

Planning Commission Minutes  
January 25, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:14 a.m. on January 22, 2024)

3. (CE-1117) Application by Western 26, LLC, to close a portion of the east-west right-of-way of NW 26th Street, east of North Military Avenue, and west of North Western Avenue. Ward 2.

**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 POWERS, SECONDED BY MEEK

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



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**January 25, 2024**

**Item No. IV. 3.**

**(CE-1117) Application by Western 26, LLC, to close a portion of the east-west right of way of NW 26<sup>th</sup> Street, east of North Military Avenue, and west of North Western Avenue. Ward 2.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Kaitlyn Turner  
Williams, Box, Forshee, and Bullard, P.C.  
(405) 232-0080  
kturner@wbfbllaw.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to resolve an encroachment of existing structures.

**D. Existing Conditions**

**1. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	SPUD-1176	R-2	NB / UD	NB / UD	NB / UD
<b>Land Use</b>	Residential	Residential	Residential	Grocer	Residential

**2. 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.

**Comprehensive Plan Land Use Typology Layer: Transit - Oriented (TO)**

The TO layer encourages higher density development, higher levels of transportation system connectivity, and concentrations of housing and commercial activity around areas designated as mass transit stops. The intent is to create unique, mixed-use districts with housing and employment opportunities around the City's future transit network. TO areas are characterized by a walkable environment, close proximity of buildings, and minimal land used for parking. These nodes of high intensity may be located within lower-intensity areas. Construction at higher intensity maximizes efficiency of the current and future transit system and minimizes reliance on private automobiles. The TO layer is applied within 1/4 mile of a node identified on the Land Use Plan.

**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.

- Storm Sewer Availability \***

- 8. Streets, Traffic and Drainage Maintenance**
- 9. Stormwater Quality Management**
- 10. Traffic Management \***
- 11. Utilities**

- a. Wastewater Comments \***

- b. Water Comments**

- 1. Water meters may be located in this area. Need to confirm with survey. If located in this area will need to be relocated in right-of-way.

- c. Solid Waste Management**

- 12. Planning**

- a. Comprehensive Plan Considerations**

*The subject site is within the Urban - Medium Intensity (UM) Area and within an area where the Transit - Oriented (TO) Layer applies. Policies for both are listed below.*

**1) LUTA Development Policies:**

Site Design, Building Form, and Location

- Maintain historical lot and block sizes where possible and appropriate. (UM)
- Project design should accommodate easy travel by walking, biking, and transit to the transit stop. (TO)
- Incorporate shallow building setbacks and wide sidewalks to accommodate pedestrian activity. (TO)
- Developments should have direct pedestrian access on each block face that they occupy. (TO)

Automobile Connectivity

- Maintain and enhance the connectivity of the street network. (UM)
- Protect existing traditional street grid and reconnect it where possible. (UM)
- Protect or establish a functioning and dense street grid. (TO)
- Limit curb cuts and automobile accessibility off of the primary commercial street. (TO)

**2) Other Development Related Policies**

- Maintain historical lot and block sizes where possible and appropriate. (C-9)
- Maintain the traditional grid street pattern where it currently exists, reconnect it where possible, and keep alleys open and functioning. (C-10)
- Improve the functionality and efficiency of the street network by:
  - Providing direct connections from residential developments to nearby places and to each other.
- Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
- Reducing block sizes and use of dead-end streets.
- Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)

**b. Plan Conformance Considerations**

The application seeks to 1½ feet of the 80-foot public street right-of-way along the northern edge of NW 26th St between N Western Ave and N Military Ave, within Anderson's Addition (1905). The subject site abuts SPUD-1176 on the north and is

within the Urban Design Overlay District, specifically the Asian District. The abutting SPUD was rezoned from NB to the existing SPUD in 2020 to allow for the development of a multi-family residential project with up to three, three-story buildings and reduced on-site parking. During construction of two buildings on site, survey errors were made. This led to the buildings being constructed across the front property line. The structure at 1125 NW 26th St was built approximately one foot over the property line and into the public street right-of-way. The structure at 1133 NW 26th St was built approximately six inches over the property line and into the public street right-of-way. To remedy this situation, the applicant has requested that 1½ foot strip of the public street right-of-way be vacated for the entire property frontage of 150 feet.

Within the Urban Medium LUTA, the comprehensive plan calls for maintaining historical lot and block sizes where possible and appropriate. The Transit-Oriented Layer calls for incorporating shallow building setbacks and wide sidewalks. In this case the right-of-way is requested to be closed for the purpose of allowing the existing structures on the site to remain and allow future residential development to align with the existing structures.

This easement closure application is subject to review and recommendation by the Urban Design Commission (UDC). The UDC is scheduled to make a recommendation at the January 24, 2024, meeting.

#### **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.*

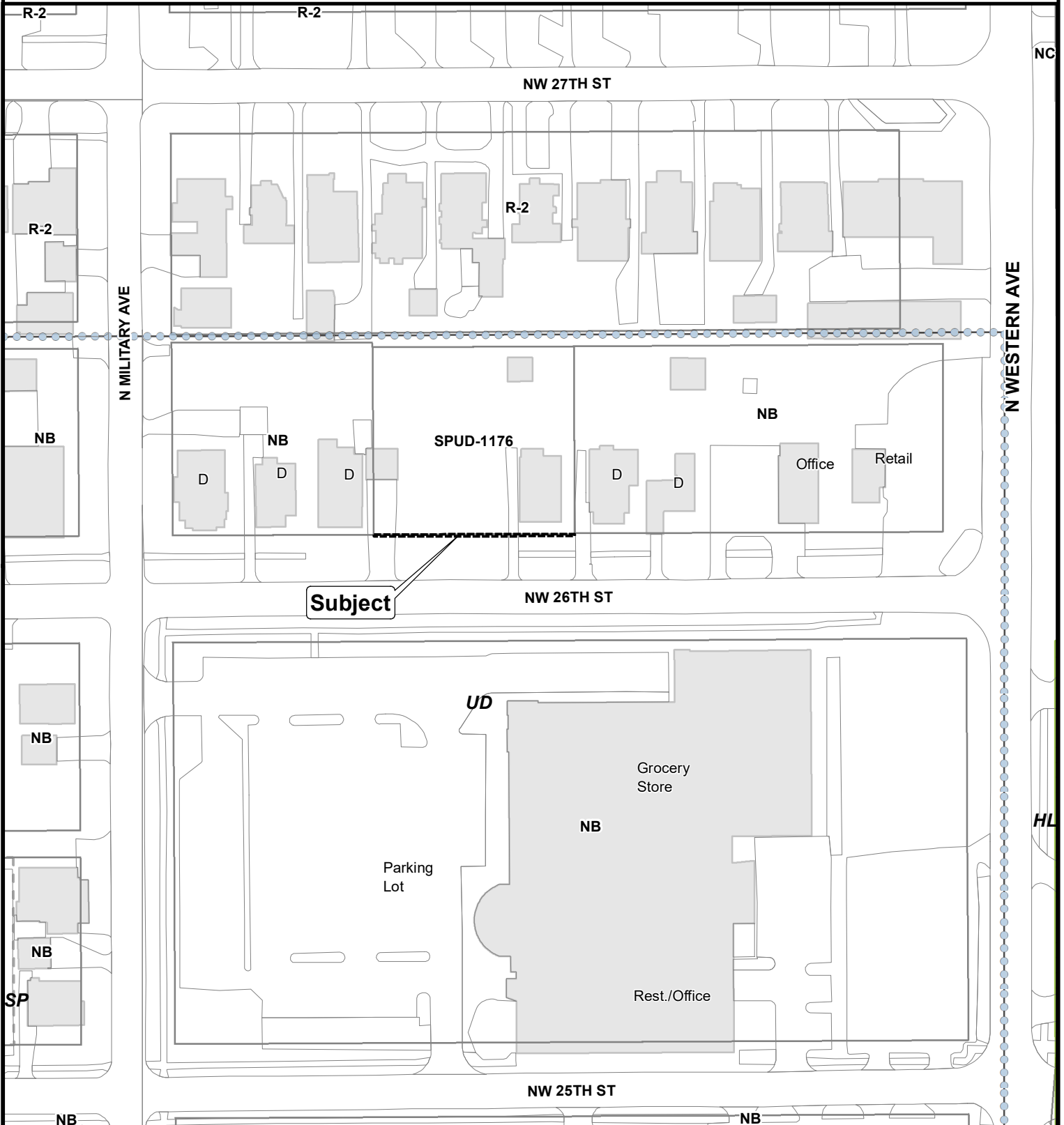
##### **Approval of the application subject to the following technical evaluation:**

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.

taj

Case No: CE-1117

Applicant: Western 26, LLC



Note: "Subject" is located approximately 1,180' North of NW 23rd St.



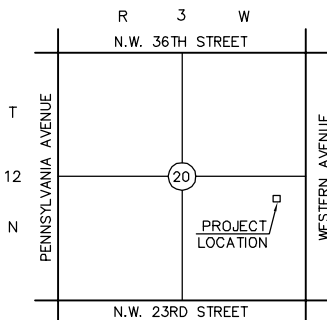
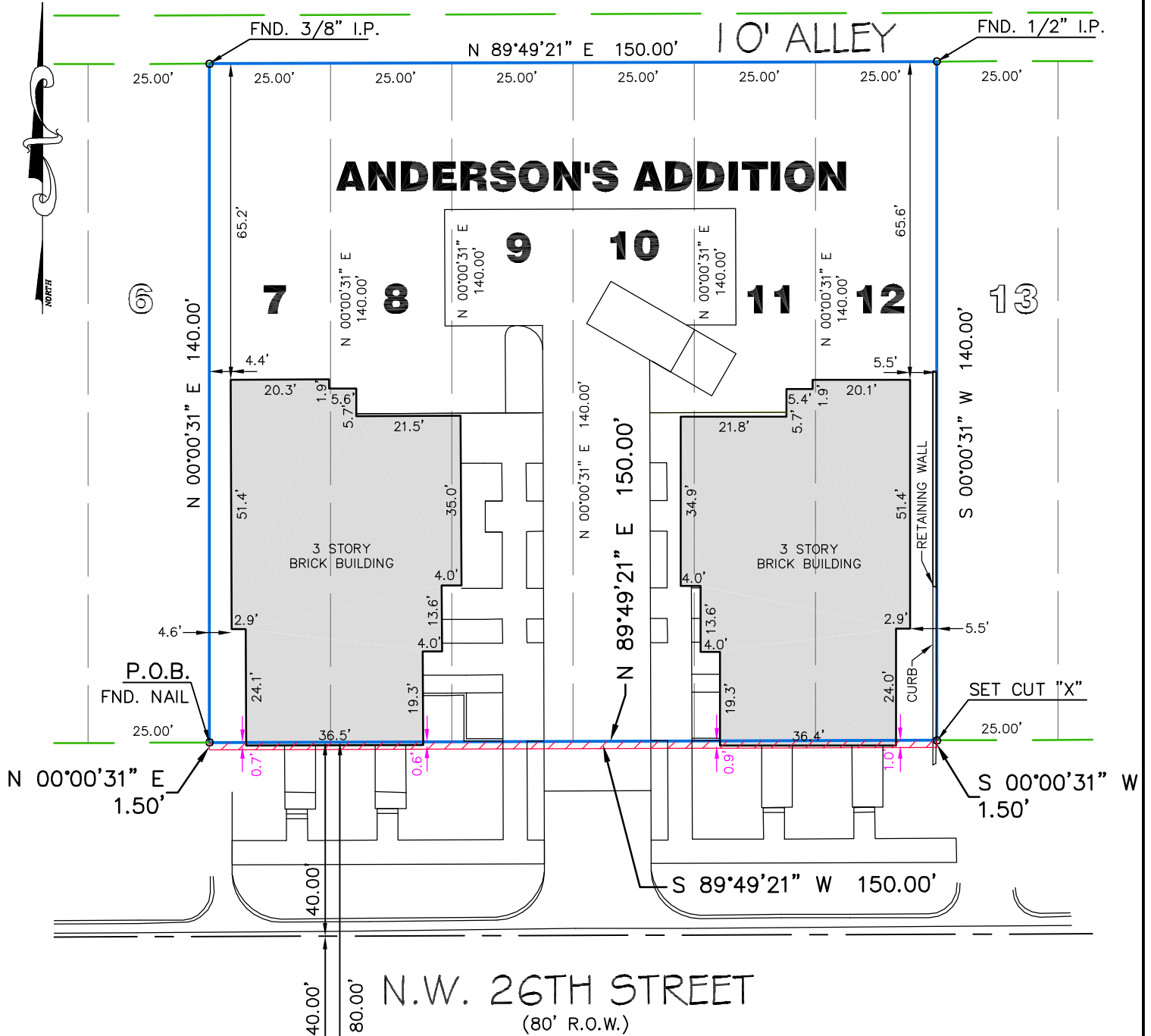
The City of  
OKLAHOMA CITY

## Application for Closing Public Way or Easement

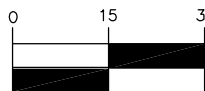


0 50 100  
Feet

# ANDERSON'S ADDITION



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

SHEET 1 OF 2

1133 N.W. 26th Street  
Building Easement Exhibit

PO BOX 6578 - Norman, OK 73070  
405.681.3325 Phone & Fax - shaun@pls.net  
Certificate of Authorization No. 3045 - Expires June 30, 2025  
All rights reserved under copyright.

Project No: 3338 Date: 11/9/23 Scale: 1"=30'  
Drawn By: MWH Party Chief: JDR Revisions:  
DWG File: 3338.dwg FB/Data File: 3338stakingpoints-11\_9\_23.txt





## Certificate of Survey

November 9, 2023

I, Shaun Christopher Axton, a Registered Professional Land Surveyor, do hereby certify that, as of the date set forth above that I or others under my direct supervision, have made a careful survey of:

Lots Seven through Twelve (7-12), ANDERSON'S ADDITION, Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Said tract of land contains an area of 21,000 square feet or 0.4820 acres, more or less.

I further certify that this survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Shaun Christopher Axton, P.L.S. 1494

Date



## Legal Description

Building Easement  
November 30, 2023

A tract of land in the Southeast Quarter of Section 20, Township 12 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma, being a portion of Lots Seven through Twelve (7-12) of ANDERSON'S ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat, and being more particularly described as follows:

BEGINNING at the Southwest Corner of Lot 7 of ANDERSON'S ADDITION;

THENCE North 89°49'21" East, along the South line of ANDERSON'S ADDITION, a distance of 150.00 feet to the Southeast corner of Lot 12;

THENCE South 00°00'31" West, on an extension of the East line of Lot 12, a distance of 1.50 feet;

THENCE South 89°49'21" West, parallel with the Sout line of ANDERSON'S ADDITION, a distance of 150.00 feet;

THENCE North 00°00'31" East, on an extension of the West line of Lot 7, a distance of 1.50 feet to the POINT OF BEGINNING.

Said tract of land contains an area of 225 square feet or 0.0052 acres, more or less.

## Notes:

1. The bearing of South 89°49'21" West as shown on the South line of ANDERSON'S ADDITION was used as the basis of bearing for this survey.
2. The pavement shown hereon was taken from the site plan and has not been field verified, but is shown hereon for reference purposes only.

1133 N.W. 26th Street  
Building Easement Exhibit

PO BOX 6578 - Norman, OK 73070  
405.681.3325 Phone & Fax - shaun@pls.net  
Certificate of Authorization No. 3045 - Expires June 30, 2025  
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Project No: 3338 Date: 11/9/23 Scale: 1"=30'  
Drawn By: MWH Party Chief: JDR Revisions:  
DWG File: 3338.dwg FB/Data File: 3338stakingpoints-11\_9\_23.txt



**Case No: CE-1117**

**Applicant: Western 26, LLC**



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,180' North of NW 23rd St.



The City of  
OKLAHOMA CITY

## Application for Closing Public Way or Easement



0 50 100  
Feet