

Planning Commission Minutes
May 25, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:30 a.m. on May 22, 2023)

5. (SPUD-1529) Application by iCare Real Estate Holdings, LLC, to rezone 2020 NW 23rd Street from R-1 Single-Family Residential and Gatewood Urban Conservation Overlay Districts (UC) to SPUD-1529 Simplified Planned Unit Development and Gatewood Urban Conservation Districts (UC). Ward 6.

Amended Technical Evaluation:

1. The maximum area for a freestanding sign shall be 100 square feet.
2. Full cutoff fixtures shall be used for any pole mounted lighting. No wall packs directed towards adjacent residential properties shall be used.

The applicant was present. There was a protestor present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUTION AS AMENDED.

MOVED BY GOVIN, SECONDED BY NOBLE

AYES: CLAIR, PRIVETT, GOVIN, LAFORGE, NOBLE

ABSENT: POWERS, PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 25, 2023

Item No. IV. 5.

(SPUD-1529) Application by iCare Real Estate Holdings, LLC, to rezone 2020 Northwest 23rd Street from R-1 Single-Family Residential and Gatewood Urban Conservation Overlay Districts to SPUD-1529 Simplified Planned Unit Development and Gatewood Urban Conservation Districts. Ward 6.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Rob Elliott
Company Rob Elliott Architects, Inc.
Phone 405-272-0680
Email rob@elliottarchtects.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to allow commercial development with an urgent care clinic.

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.

Comprehensive Plan Land Use Typology Layer: Urban Commercial (UC)

The Urban Commercial encourages the concentration of small-scale retail, office and service businesses in locations that serve as hubs for neighborhood and city-wide consumer activity. The UC designation applies to development within one block of the designated corridor. UC designates strategic areas where the creation or revitalization of a commercial district will drive revitalization and an increase in

property value in surrounding neighborhoods. Office and multi-family residential uses are highly desirable within UC areas, as they generate market demand for retail, incorporate walkable environments and create synergies that encourage full utilization of land.

2. Size of Site: 0.17 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	C-3	SPUD-1499	R-1	C-4
Land Use	Residential	Commercial	Res/Com	Residential	Commercial

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulations of the **O-1, Limited Office and Gatewood Urban Conservation Overlay District (UC)** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

- 8300.1 Administrative and Professional Offices
- 8300.53 Medical Services, Restricted
- 8300.59 Personal Services, Restricted

2. Maximum Building Height: Per O-1 Limited Office District regulations, and in accordance with the base zoning district and all applicable guidelines and regulations of the Gatewood Urban Conservation Overlay District (UC).

3. Maximum Building Size: Per O-1 Limited Office District regulations, and all applicable guidelines and regulations of the Gatewood Urban Conservation Overlay district (UC).

4. Maximum Number of Buildings: Per O-1 Limited Office District regulations, and all applicable guidelines and regulations of the Gatewood Urban Conservation Overlay district (UC).

5. Building Setback Lines

Front Yard: Twenty-five Feet or the existing Building Setback Line

- Rear Yard: Ten Feet where abutting a Residential District
- Side Yard: Five feet where abutting a Residential District
- Corner Side No Setback
- Yard: The Special Building Line (SBL-6) on NW 23rd Street shall not apply.

- 6. Sight-proof Screening:** A sight-proof Screen Fence is required where the property is adjacent to residentially zoned property or use. No less than a six-foot and no greater than a eight-foot high fence or wall shall be required along the boundary of this parcel where it is adjacent to any residential zoning or use. Said fence or wall shall be constructed entirely of stucco, brick, stone, wood or any combination thereof and shall be solid and opaque.

- 7. Landscaping:** Landscaping shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

- 8. Signs:**
 - 8.1 Free standing accessory signs:** Free-Standing Accessory signs for non-residential uses shall be a maximum of one (1) ground monument sign. The maximum size being eight (8) height and two (200) hundred square feet in area. The signs shall be covered with a material consistent with the building(s) they serve. No pole signs will be allowed.

 - 8.2 Attached signs:** Attached signs for non-residential uses shall meet all requirements of the City of Oklahoma City's Sign Ordinance in place at the time of development.

 - 8.3 Non-Accessory Signs :** None allowed.

 - 8.4 Electronic Message Display signs:** None allowed.

- 9. Access:** Two (2) access drives from the existing public alley along the west boundary of the property will be allowed. Shared access may be allowed to the east, subject to an agreement between the property owners.

- 10. Sidewalks :** Five-foot sidewalks shall be constructed on the arterial street or a 6-foot sidewalk shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

II. Other Development Regulations:

- 1. Architecture:** Exterior finish materials of new building construction shall require a minimum of seventy percent (70%) of the exterior wall surfaces to be brick masonry, and a maximum of thirty percent (30%) wood siding, composite siding of wood appearance, or EIFS; composition shingle roof shall be allowed with a minimum 6:12 slope; a low-pitch membrane roof shall be allowed with parapets to block the view of any roof-top mounted equipment, in accordance with the regulations of the Gatewood Urban Conservation Overlay District (UC).
- 2. Open Space:** NA
- 3. Street Improvements:** Street improvements shall be in accordance with the requirements of the Public Works Department.
- 4. Site Lighting:** The site lighting in this SPUD for the office development and the high density residential shall be in accordance with Chapter 59, Article XII, section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended, and the regulations of the Gatewood Urban Conservation Overlay District (UC).
- 5. Dumpsters:** Dumpsters shall be a minimum of 50 feet from any residential zone or use and/or on the west side of the proposed SPUD. Roll-off dumpsters shall be permitted during construction.
- 6. Parking:** The minimum number of off-street parking spaces shall be seven (7) spaces. All off-street parking provided shall meet all requirements of the City of Oklahoma City's Parking Ordinance in place at the time of development. The site shall have a provision for bicycle parking.
- 7. Maintenance:** All property maintenance is the responsibility of the property owner or their designated representative.
- 8. Drainage:** Drainage improvements, if required, will be in accordance to applicable sections of the Oklahoma City Code of Ordinances.

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: Site Plan

III. 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**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Oklahoma City**
- 7. Oklahoma Department of Transportation (ODOT)**

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

b. Streets, Traffic and Drainage Maintenance

Storm Sewer Availability

- 1) 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.
- 2) 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. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) 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 area along stream shall extend to flow line of stream at a minimum.
- 5) 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. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

- 7) Construction within the limits of this SPUD 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 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Section II.8.: The proposed development will comply with the current City off Oklahoma City Drainage ordinance as amended.
- 12) Add section I.10: Sidewalks within this PUD shall be in accordance with the City of Oklahoma City Municipal Code requirements.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 10” wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 4) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation

required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.

- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.

b. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.
- 2) A We can accept office trash but cannot accept biomedical waste which is considered hazardous and not collectable.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 16" water main(s) is located adjacent to the subject site(s).
- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.

- 4) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 6) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 7) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.

9. Planning

The subject site is within the Urban Medium Land Use Typology Area (UM) and within the Urban Commercial (UC) Land Use Typology Layer. Policies for each are listed below.

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Maintain historical lot and block sizes where possible and appropriate. (UM)
- Utilize Best Management Practices (BMP) for stormwater. (UM)
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest. (UM)
- Building setbacks, access points, and other criteria as defined in the Street Typology section are to be applied as appropriate. (UC)
- Encourage all buildings fronting a designated corridor or node to have ground floor space for retail or service businesses. (UC)

- All signage should be designed to provide visual coherency, which includes a consistent and cohesive pattern of materials, lighting, and height. (UC)

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved. (UM)

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1.

National, state, and local permitting require basic best management practices for stormwater management. The subject site is located on NW 23rd Street, a major arterial and was recently razed. The Gatewood UC requires orientation to the arterial street.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network. (UM)
- Protect existing traditional street grid and reconnect it where possible. (UM)
- Keep alleys open and functional. (UM)
- Limit curb cuts and automobile accessibility off of the primary commercial street. (UC)
- Reduce the size of private parking lots through shared parking agreements. (UC)

The subject site currently takes access from the north-south alley adjacent to the west. The Gatewood UC requires access for non-residential uses abutting an arterial street to take access from the arterial. The alley access proposed in the SPUD is preferred as a new driveway would be too close to the alley.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses. (UM)
- Provide safe and direct pedestrian and bicycle access from adjacent public streets and trails. (UC)

Sidewalks are available on the subject site along NW 23rd Street and required by the UC.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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 subject site is located between C-4 commercial uses, to the west, and existing homes that were recently rezoned to SPUD-1499 for office and commercial uses, to the east. The subject site retains the Gatewood UC Overlay. Screening, landscaping and a 10-foot setback are required at the rear where the site abuts a home.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *No triggers requiring mitigation were identified.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The SPUD limits the number of use units allowed to three for the purpose of building a new urgent care clinic.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Service Level*

4) Environmentally Sensitive Areas: No ESAs were identified on the site.

5) Transportation System: This site is located off NW 23rd Street, a Major Arterial Street in the Urban Medium LUTA. Transit (bus) service is available on NW 23rd Street with a bus stop just west of the site.

6) Other Development Related Policies

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Improve the functionality and efficiency of the street network by:

- Providing direct connections from residential developments to nearby places and to each other.
- Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
- 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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Share parking between contiguous developments. (C-31)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Protect the unique character of National Register-listed properties or districts and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character. (E-29)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

7) Other Considerations: Retail Corridor

The comprehensive plan identifies and categorizes several retail nodes and corridors throughout the city. The subject area is along a retail corridor, categorized under the “Revitalize” framework. Areas categorized as “revitalize” are areas that generally do not require wholesale changes, but rather, help strengthening existing retail uses. Policies related to this category include: Integrating complementary uses; maintaining community scale retail in nodes rather than allowing linear expansion; ensuring good street connectivity between and within existing centers; creating or enhancing pedestrian connections between buildings and centers; improving facades and design quality; and creating or enhancing visual coherency through signage.

b. Plan Conformance Considerations

The subject site is located on the south side of NW 23rd Street between N Pennsylvania Avenue and N Virginia Avenue and is zoned R-1. The subject site and land to the east, west and south are also within the Gatewood Urban Conservation District (UC). Land to the north is within an Urban Design District. The house on the site was recently demolished. Abutting on the east are five homes that were rezoned to SPUD-1499 in April 2023 to allow the

conversion into office and retail uses. Adjacent on the south are homes within the Gatewood neighborhood. Abutting the site on the west is an alley, and across the alley are a retail store and drive-thru restaurant zoned C-4 and located at the arterial intersection. Directly across NW 23rd Street is a pawn shop. Other nearby uses to the north and west include sit-down and drive-thru restaurants and a coffee shop, office, gym, and retail uses zoned C-3, C-4, O-2, and S/PUD.

The site is located within the Urban Medium LUTA, and along a corridor designated as Urban Commercial by the comprehensive plan. The SPUD is requested for a small urgent care clinic that will take access from an existing alley. The SPUD only allows the three uses needed for the medical clinic, limits sign size and height, and retains applicable Gatewood UC requirements.

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. The maximum area for a freestanding sign shall be 100 square feet.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

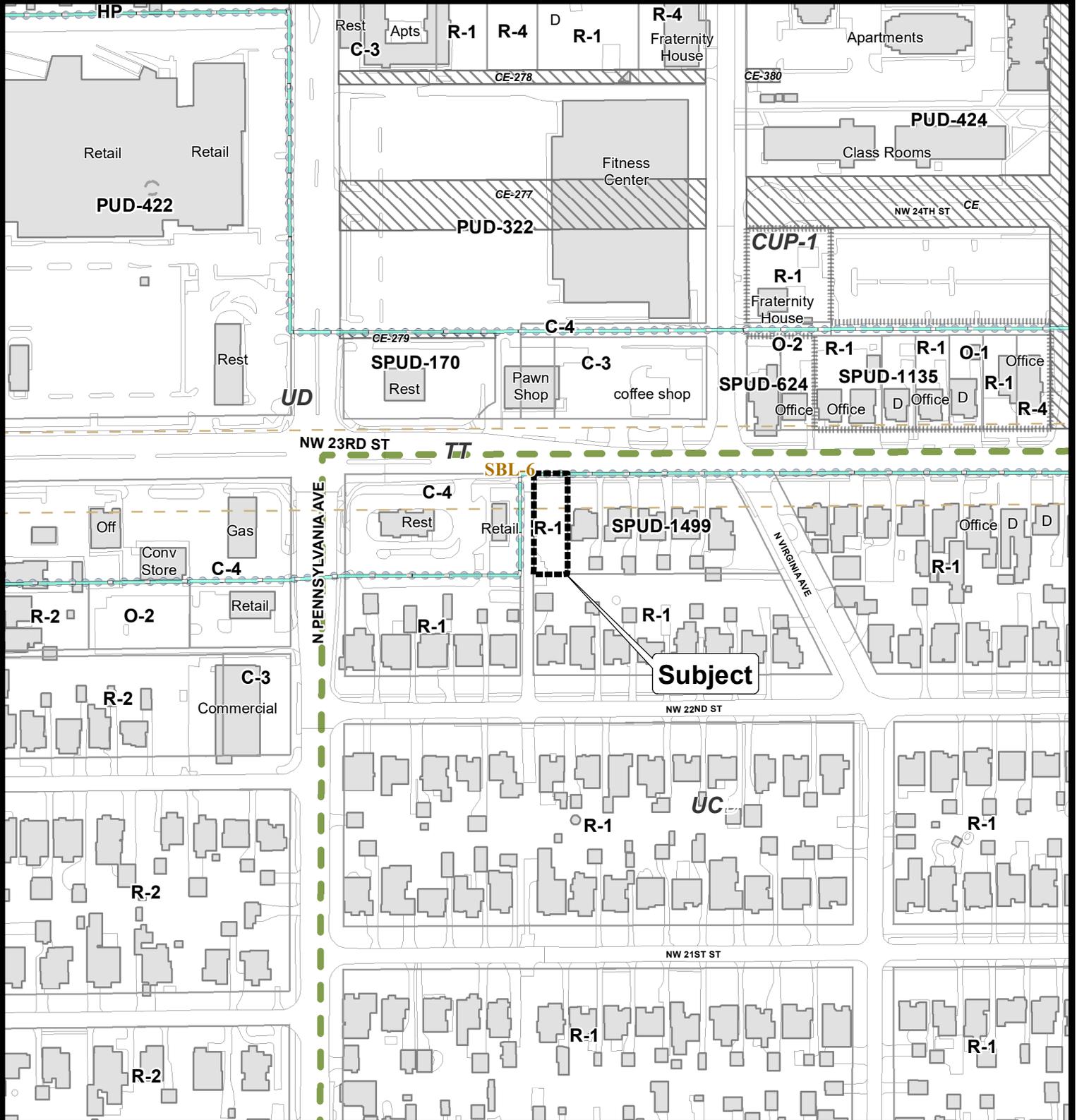
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Case No: SPUD-1529

Applicant: iCare Real Estate Holdings, LLC

Existing Zoning: R-1 / UC

Location: 2020 NW 23rd St.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200 Feet

Case No: SPUD-1529

Applicant: iCare Real Estate Holdings, LLC

Existing Zoning: R-1 / UC

Location: 2020 NW 23rd St.



Aerial Photo from 2/2022

Simplified Planned Unit Development



The City of
OKLAHOMA CITY



0 100 200
Feet