



# STAFF REPORT

## Historic Preservation Commission

February 22, 2021

HPCA-20-00126

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**Agenda Item:** VII.A.  
**Case Number:** HPCA-20-00126  
**Property Address:** 2221 N Olie Ave  
**District:** Mesta Park Historic District  
**Applicant:** JollyBird Design, LLC  
Fallon Brooks  
1605 N Classen Blvd  
Oklahoma City, OK 73106  
**Owner:** Shawn Lawrence  
504 Country Club Drive  
Edmond, OK 73025

### A. CASE ITEMS FOR CONSIDERATION

7. Request a recommendation to the Board of Adjustment for a Special Exception to allow Multi-Family Residential in the HP District.

### B. BACKGROUND

#### 1. Project Description

The applicant requests a recommendation on a Special Exception to allow Multi-Family Residential in the HP District.

#### 2. Location

Project site is located on the southwest corner of the intersection of NW 22<sup>nd</sup> and Olie and on the west side of Olie between NW 21<sup>st</sup> and 22<sup>nd</sup> Streets.

#### 3. Site History

***Date of Construction:*** N/A. Previous Structure circa 1935.

***Zoned Historic Preservation/Historical Landmark:*** MP 1994

***National Register Listing:*** MP 1983

***Description from National Register Nomination Intensive Level Survey:***

None

***Additional Information:***

The 1950 edition of the Sanborn Fire Insurance maps illustrates a 2- story, brick-veneered, frame set of flats, 4 up, 4 down, with a composition roof. A 2-story, brick veneered, frame “autohouse” with apartments above is indicated on the southern-most property line spanning the entire width of the lot with a flat roof and stairs at both east and west end.

The structure had alley access for vehicles.

#### 4. Existing Conditions

The site, 1000-1002 NW 22 and 2221 N Olie currently retains only the garage with apartments above and is in very poor condition. The primary structure was damaged at the flat roof and 2<sup>nd</sup> floor ceilings in 1994 and was approved for demolition in 1995. The remaining structure is indicated as “occupied” by the representative of Triton Foundation Repair.

#### 5. Previous Actions

Previous applications for Historic Preservation Certificate of Appropriateness (HPCA) filed for this property include:

Case Number	Date	Owner	Decision
HPCA-815	03/01/1995	Mike Tharasena	Approved
Repair fire damage to roof of primary structure.			
HPCA-852	08/09/1995	Robert McCoy	Approved
Demolish the primary structure.			
HPCA-04-060	07/09/2004	Joshua Livingston	Withdrawn
Demolish the garage and upper apartments and construct multi-family complex with 2 buildings and parking.			
Denial without prejudice was recommended for the demolition as insufficient evidence was provided to indicate the structure was a hazard to public health and safety that could be alleviated through no means other than demolition. Denial with prejudice was recommended as the proposal for new construction was not found to be compatible with the historic district and surrounding properties in material, scale, size, form, orientation and rhythm.			

#### C. ITEMS IN COMPLIANCE

*Unless noted below in Section D., Issues and Considerations, all other case items of this proposal comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020.\**

None.

#### D. ISSUES AND CONSIDERATIONS

*This proposal may not comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020\* as referenced below:*

##### 1. Item 7, Request recommendation to the Board of Adjustment (BOA) for a special exception for multi-family housing.

- Description: Note: the Commission reviewed and provided a recommendation on this request at a previous meeting. Due to an error in the agenda, this action must be

repeated.

As do all base zoning districts, the HP district ordinance includes use regulations. Some uses are permitted, and others require a “Special Exception,” granted by the Board of Adjustment. Multi-Family residential requires a Special Exception.

The applicant intends to construct four, single-family dwellings with attached garages. A CA for this work was approved at the November meeting of the HP Commission but is contingent upon acquisition of a Special Exception.

b. References: *Oklahoma City Municipal Code, Chapter 59, 4250.1 Special Exception Uses.*

A. *Establishment and Purpose.* The City of Oklahoma City has previously established the process for granting special exception uses. The special exception allows the location of certain uses while maintaining adequate protection of the surrounding area. If consideration is given to setting, physical features, compatibility with surrounding land uses, and traffic and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses, even though they generally do not conform with traditional use groupings in specific zoning districts.

B. *Parties Entitled to Request Special Exception Uses.* Applications for special exception uses may be filed by the owner of, or any person having a right of ownership in, any property in the City.

C. *Authority and Execution.* The Board of Adjustment shall review each case on its own merits, apply the criteria established herein and, if appropriate, authorize said use by granting a special exception for it.

D. *Procedure.*

(1) *Applications.* Applications for special exception uses shall be filed in accordance with the requirements of this section on forms provided by the City.

(2) *Site Plan to Be Filed.* A complete site plan shall be filed with each application for a special exception. The site plan shall show location of all structures and shall give graphic evidence of compliance with all development regulations of the zoning district in which the special exception is to be located and compliance with the general standards for the specific use.

(3) *Acceptance of Application.* Staff shall review the application for completeness. Upon receipt of a complete application, Staff shall schedule the application for an upcoming Board of Adjustment agenda for consideration and shall distribute the application to other appropriate departments for review.

(4) *Action by the Board of Adjustment.* The Board of Adjustment shall consider the application in accordance with adopted deadlines. The Board may take

action in the form of approval, approval with conditions or denial of applications for special exceptions.

E. *Standards for Special Exception Approval.* Prior to approval of an application for special exception, the Board of Adjustment shall make a determination that the following standards have been met:

- (1) The proposed use shall be in harmony with the policies of the adopted Comprehensive Plan.
- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall not adversely affect the use of neighboring properties in accordance with the applicable zoning district regulations.
- (4) The proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- (5) Adequate utility, drainage, parking, loading, access, signs and other necessary public facilities to serve the proposed use shall meet all standards and provisions of City codes applicable to the zoning district classification of the property.
- (6) The Board of Adjustment shall ensure that all reasonable precautions are taken to protect nearby existing and anticipated development from hazardous and obnoxious conditions. The Board of Adjustment can impose specific conditions regarding location, design and operation to assure safety and to prevent a nuisance.
- (7) If necessary to protect the general public and to protect the use of neighboring property from potential loss of use or decrease in land value, the Board of Adjustment may require additional sight-proof screening and landscaping according to standards contained in Article XI, Landscaping and Screening Regulations, of this chapter.

F. *Conditions.*

- (1) *Site Plan Must Be Followed.* All uses approved by a special exception shall commence and be maintained in accordance with the approved site plan.
- (2) *Failure to Comply.* Whenever Staff finds that any proposed construction or occupancy does not, in its opinion, substantially comply with the terms of the special exception, it shall refer the question to the Board of Adjustment for its review at a public hearing.

*8200.12 Multiple-Family Residential.* Buildings containing five (5) or more dwellings where each dwelling unit is provided with an individual entrance to the outdoors or to a common hallway with other dwelling units in any vertical or horizontal arrangement. This use may include apartments, condominiums and

townhouses, but does not include Dwelling Units and Mixed Use (8200.2) or Senior Independent Living (8200.13).

- c. Considerations: The “Multi-Family Residential” use unit in 8200.12, as referenced within the table of allowed uses for HP Districts, would appear to be applicable only to properties with five (or more) dwellings. A separate definition in the Code limits “multi-family” to three or more units, but specifies that they must be attached, not free-standing. The “multi-family” use may not be applicable to the proposed development of this property.

Staff’s understanding is that a Special Exception, when approved by the Board of Adjustment, is limited to the specific details of the attached documents and site plan, so a higher density than what is proposed would not be allowed.

The subject property is unusual in that, at least as far back as 1949, Sanborn maps indicate that it contained a two-story, multi-family residential building with eight flats. A four-car garage with two apartments remains. Based on this historic condition, redeveloping the site as multi-family appears appropriate to the historic character of the property, appears to be “in harmony” with the purpose and intent of the district, and does not appear to have an adverse effect on the use of neighboring properties.

The subject property also sits at the edge of the district, on the boundary between largely single-family residential homes and commercial properties outside the district. This creates an opportunity for the development of the site to serve as a transitional point from the residential neighborhood to the commercial properties along Western and Classen.

## E. HPCA-20-00126 STAFF RECOMMENDATION:

1. Staff recommends that the Commission **recommend approval** to the Board of Adjustment for a Special Exception request to allow a multi-family residential use in the HP District and forward the following comments:
  1. That the proposed use is consistent with the historic development of the site;
  2. That the proposed use will not have an adverse effect on the use of neighboring properties and appears to be in harmony with the purpose and intent of the district;
  3. That construction at the site requires review and approval of a Certificate of Appropriateness by the HP Commission.

*Note: Staff recommendation does not constitute Commission action.*

*\*Relevant Sections of the Municipal Code governing HP/HL Districts are: §59.3300.1-5; §59.4150.4; §59.4250; §59.7250.1-4; §59.7300.1-7; §59.12200.1-4; §59.13300.1-6.*

*Copies of the Standards/Guidelines and Relevant Sections of the Municipal Code, 2020 are available online at [www.okc.gov/planning/hp/index.html](http://www.okc.gov/planning/hp/index.html) ; at Planning Department offices located at 420 W. Main, 9<sup>th</sup> floor, and each HP Commission Meeting.*

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