



# STAFF REPORT

## Downtown Design Review Committee

07/20/2023

**Agenda Item** VII. A.  
**Case No.** SPUD-01535  
**Property Address** 415 NW 5<sup>th</sup> St  
**Applicant Name** David Box, Williams, Box, Forshee & Bullard, PC  
for The Dog House OKC, Inc.  
Corsair Cattle Co  
522 Colcord Dr  
Oklahoma City, OK 73102  
**District:** DBD

*Continued from 06/15/2023 DDRC meeting*

### A. ITEMS FOR CONSIDERATION

#### 1. Recommendation

Provide a recommendation to the Planning Commission for a request to rezone from DBD Downtown Business District to a Simplified Planned Unit Development SPUD-01535.

### B. BACKGROUND

#### 1. Location

This site is located on the north side of NW 5<sup>th</sup> St, between N Walker Ave and N Hudson Ave.

#### 2. Site History/Existing Conditions

According to the 1919 Sandborn Maps, there were 10 houses on the northside of the street in this block. None of those structures remain today. Currently, the site is a parking lot serving the adjacent building to the east. The applicant is operating a dog boarding, day care and grooming business in the adjacent building.

#### 3. Surrounding Environment

The surrounding area contains office uses, the Embark bus facility, restaurants, and apartments.

#### 4. Intended Use

The Master Design Statement requests adding the following additional use to the existing DBD uses: 8300.10 Animal Sales and Services: Kennels and Veterinary, General (dogs shall not be allowed outside between the hours of 6:30 pm. And 7:00 a.m.). This request is to allow exterior animal enclosures and dog runs.

#### 5. Other

SPUD-01244 was filed on 7/16/2020 requesting the same use unit as the current request. A public hearing was held before the Downtown Design District on

8/20/2020. By a vote of 3-1, DDRC recommended the following comments be forwarded to the Planning Commission:

- 1) That the proposed SPUD does not include language affecting the review process or requirements for changes to the exterior of the property;
- 2) That the proposed SPUD retains the DBD base zoning district and all regulations and guidelines related to the purview of the Downtown Design Review Committee; and
- 3) A recommendation to the Planning Commission to watch this video and hear the discussion that has taken place at DDRC. (NOTE: this was a ZOOM meeting))

On 9/23/2020, SPUD-01244 was withdrawn.

Code Enforcement violations have been issued in 2023 for the use of the outdoor space by dogs associated with the adjacent business, The Dog House.

At the 06/15/2023 DDRC meeting, this item was continued at the request of the applicant.

#### 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 Regulations

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

##### a) RE: Proposed Uses

- 1) Description: The applicant is requesting a use not currently permitted in the Downtown Design District.
- 2) Reference: Table 7200.1: Downtown Design District Uses Regulations

The following requested use is not included in the DBD Use Regulations table:

8300.10 Animal Sales and Services: Kennels and Veterinary, General

Reference: §7200.1. Downtown Design Districts (DBD, DTD-1, DTD-2).

“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;*
- (6) encourage preservation and restoration of the Historic Resources and Architectural Resources of the Downtown districts; and*
- (7) encourage appropriate and complementary transitions between each of the downtown districts and between those districts and the surrounding zoning districts.”*

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

*“A. Purpose and Intent.*

*The DBD 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 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 governmental 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 circulation patterns; and encourage preservation and restoration historic features.”*

Reference: §14100.3. Appropriate Use of PUD and SPUD

*“C. Rezoning to a PUD or Spud within a special design district or design overlay district may be appropriate in cases where a use or a mix of uses within the design district is prohibited, but may be appropriate to a specific site. Where rezoning is proposed within a special design district or design overlay district, the PUD or SPUD should:*

1. *Incorporate the development regulations and guidelines of the design district; and*
  2. *Be subject to the design review process for the design district."*
- 3) Considerations: The exterior dog run use is proposed to be located in the northern two-thirds of the existing parking lot. The SPUD proposes to leave the site within the Downtown Design District and does not propose changes to any regulation or guideline, with the exception of adding the exterior animal enclosures and dog runs. Future construction, including creating an outdoor dog area and installation of animal enclosures or other site features, will be subject to design review and require a Certificate of Approval, separate from the SPUD application.
- Staff has received written opposition from several property owners (see Attachment #1 – NOTE: all individual letters received were included in this attachment submitted by Richard Dowell). All are expressing concern about incompatibility with adjacent and surrounding uses.

#### **E. STAFF RECOMMENDATION**

Because the proposed SPUD, and the related concerns from surrounding property owners, only address a specific use and do not alter the purview or the design-related requirements of the Downtown Design District, staff has not recommended a recommendation of approval or denial, but has recommended forwarding comments relevant to the Downtown Design Review Committee's purview.

Staff recommends the following comments be forwarded to the Planning Commission regarding SPUD-01535:

1. That the proposed SPUD does not include language affecting the review process or requirements for changes to the exterior of the property; and
2. That the proposed SPUD retains the DBD base zoning district and all regulations and guidelines related to the purview of the Downtown Design Review Committee.

*Note: Staff recommendations do not constitute Committee decisions.*

Attachments: Application, Master Design Statement, Legal Description, Current Site Plan and SPUD Boundary, Attachment #1 protest, Photos