



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 9, 2023

Item No. IV. 21.

(SPUD-1499) Application by Quan and Teresa Tran to rezone 2000 NW 23rd Street from R-1 Single Family Residential and UCD Urban Conservation Districts to SPUD-1499 Simplified Planned Unit Development and UCD Urban Conservation Districts. Ward 6.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

| | |
|-------|---------------------|
| Name | Joseph Tran |
| Phone | 405-474-7991 |
| Email | Jtran2133@gmail.com |

B. Case History

A previous rezoning application for this property, PC-10853, was withdrawn in favor of this SPUD application.

C. Reason for Request

This application is to permit a mixed residential and commercial 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.

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: 1.0 acres

3. Zoning and Land Use

| | Subject Site | North | East | South | West |
|-----------------|---------------------|--------------|-------------|--------------|-------------|
| Zoning | R-1/UCD | C-3/UD | R-1/UCD | R-1/UCD | R-1/UCD |
| Land Use | Res/Off | Commercial | Residential | Residential | Vac |

II. SUMMARY OF SPUD APPLICATION

- This site will be developed in accordance with the regulations of the **C-1 Neighborhood Commercial District and Gatewood Urban Conservation Overlay District (UCD)**, (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following uses will be the only uses permitted on this site:

- 8200.4 Live/Work Units
- 8200.14 Single-Family Residential
- 8200.15 Three- and Four-Family Residential
- 8200.16 Two-Family Residential
- 8300.1 Administrative and Professional Offices
- 8300.8 Animal Sales and Services: Grooming
- 8300.11 Animal Sales and Services: Kennel and Veterinary, Restricted
- 8300.23 Building Maintenance Services
- 8300.24 Business Support Services
- 8250.4 Community Recreation: Restricted
- 8300.32 Convenience Sales and Personal Services
- 8250.5 Cultural Exhibits
- 8300.33 Drinking Establishments: Sitdown, Alcohol Permitted
- 8300.37 Eating Establishments: Sitdown
- 8300.38 Eating Establishments: Sitdown, Alcohol Permitted
- 8300.39 Eating Establishments: Sitdown, Limited Alcohol Permitted
- 8300.41 Food and Beverage Retail Sales
- 8300.52 Medical Services: General
- 8300.53 Medical Services: Restricted
- 8200.14 Single-Family Residential
- 8300.51.1 Lodging Accommodations: Home Sharing
- 8250.16 Murals
- 8300.54 Outdoor Sales and Display, and Outdoor Storage [limited to food trucks]
- 8300.55 Participant Recreation and Entertainment: Indoor

| | |
|---------|--|
| 8300.56 | Participant Recreation and Entertainment: Outdoor [limited to outdoor music venue and food trucks] |
| 8300.59 | Personal Services: Restricted |
| 8300.63 | Retail Sales and Services: General |
| 8300.67 | Spectator Sports and Entertainment: General [limited to event venue and accessory services] |

2. Maximum Building Height:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure or an alteration to an existing structure, maximum building height shall be in accordance with the base zoning district and all applicable guidelines and regulations of the Urban Conservation Overlay District (UCD).

3. Maximum Building Size:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, maximum building size shall be in accordance with the base zoning district and all applicable guidelines and regulations of the Urban Conservation Overlay District (UCD).

4. Maximum Number of Buildings:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, there shall be no maximum number of buildings permitted within this SPUD except as limited by building and fire codes.

5. Building Setback Lines

All existing setback lines shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. setback lines shall be in accordance the base zoning district. The Special Building Line (SBL-6) on NW 23rd Street shall not apply.

6. Sight-proof Screening:

All existing screening shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, screening regulations shall be in accordance with the base zoning district.

7. Landscaping:

All existing landscaping shall be permitted to remain and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, the

subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

8. Signs:

8.1 Freestanding accessory signs

There shall be a maximum of two (2) freestanding signs within the SPUD. The maximum height for freestanding signs shall be eight feet with a maximum area of 100 square feet.

8.2 Attached Signs

Attached signs shall be per Code.

8.3 Non-Accessory Signs

Non-Accessory signs are prohibited.

8.4 Electronic Message Display signs

Electronic Message Display signs are prohibited.

9. Access:

The existing drives may remain, if the site is redeveloped, there shall be a maximum of two drives from NW 23rd St and one drive from N Virginia Ave.

10. Sidewalks

Sidewalks are present along NW 23rd Street. Should the site be redeveloped, the sidewalk requirements and construction shall be in accordance with the applicable guidelines and regulations at the time of development and the policies and procedures of the Public Works Department.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures (excluding the accessory structures), exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board, stucco or stone masonry. No more than 30% EIFS, wood or architectural metal shall be permitted. Architectural regulations do not apply to accessory structures.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. Site Lighting:

Site lighting shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

5. Dumpsters:

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended. Dumpsters shall be placed no closer than 25 feet from all property lines adjacent to residential zoning district or use and shall be screened on all four sides. Placement shall be measured from the dumpster to the property line, excluding the exterior screening. A building, wall, fence, vegetation or other form of screening in accordance with Article XI, Landscaping and Screening Regulations, shall satisfy this requirement.

6. Parking:

The current parking spaces and drives shall be deemed to satisfy the required parking for all uses within this SPUD. Should the site be redeveloped, parking shall be in accordance with the regulations of the base zoning district.

Aisle width for two-way traffic shall be a minimum of twenty-two (22) feet with a minimum 24 foot width maneuvering area for adjacent perpendicular parking spaces.

Aisle width for a one-way aisle shall be per base zoning, which may be reduced by up to 10%.

7. Maintenance:

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

8. Drainage:

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

9. Other

Rooftop patios shall be prohibited. Generators for food trucks shall be prohibited.

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.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 8" wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guarantee 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.

a. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) 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.

b. 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 guarantee 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)
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape. (UM)
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest. (UM)
- 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:

- Locate large-scale commercial and office development on arterial streets.
- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre. Within the Urban Commercial area the density range is 20 to 75 dwelling units per acre. 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 developed with homes. It is unknown if the homes will be preserved or the site redeveloped. The Gatewood UCD requires orientation to the arterial street.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network. (UM)
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points. (UM)
- Development fronting arterials should take access from intersecting streets where possible. (UM)
- Primary entrance points should be aligned with access points immediately across the street. (UM)
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points. (UM)
- Reduce the size of private parking lots through shared parking agreements. (UC)
- Customer-oriented uses are encouraged to take access off of Connector and Neighborhood streets that intersect with Major or Minor Arterials. (UC)

The subject site currently has four driveways serving the existing homes on NW 23rd Street, and the residence at the corner of NW 23rd Street and N Virginia Avenue has access from N Virginia Avenue. The SPUD maintains the existing access. If the site were to be redeveloped, access is limited to two on NW 23rd and one on the side street. The Gatewood UCD requires access for non-residential uses abutting an arterial street to take access from the arterial.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses. (UM)
- For multi-tenant properties, include an internal pedestrian system that allows customers to park once and conveniently walk to several destinations. (UC)

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

- 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 base C-3 District regulations allow greater lot coverage (100%) than the site’s existing and the adjacent R-1 Districts (50%). Code will require a step-down in height, screening, and a landscape buffer for new commercial development adjacent to a residential district. The Gatewood UCD will require additional landscaping for parking areas, and that parking lots are separated from the abutting street by shrubs or berms at least three feet in height, as well as one tree planted for every 25 feet of frontage along the arterial street. The site is developed with homes; the front yards are not currently paved. Plan conformance would be strengthened by requiring new parking lots in the rear.*

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 proposes a C-1 base which would not allow uses such as drive-thru call boxes or gas sales. However, the*

proposed outdoor uses such as food trucks and events could have impacts on neighboring residential and should be removed.

- 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 100 feet to the west.
- 6) **Other Development Related Policies**
 - Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
 - Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. (SU-4)
 - Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
 - Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:
 - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access pints immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
 - Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
 - Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)
 - Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. (SU-28)

- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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.

8) **Other Considerations: Historic Resources**

The subject site contains five contributing structures to the Gatewood West National Register District. The request to change the site to the C-3 District has the potential to impact the character of the Gatewood West National Register District, listed in the National Register of Historic Places in 2004 for its architectural significance (Criterion C). The nomination also notes the neighborhood's significant association with early city builders including Callaway, Carey and Foster and G.A. Nichols. The nomination notes that at the time of designation, 84% of the structures were contributing to the district, meaning they retained their historic appearance and architectural integrity.

The comprehensive plan calls for protecting the unique character of National Register-listed properties or districts and local Historic Districts and ensuring that development and redevelopment is compatible with historic resources and character. Conformance with the comprehensive plan and the adopted historic preservation plan for Oklahoma City, **preserveokc**, would be achieved by preserving the existing structures and ensuring new development is consistent with the Gatewood West Historic District.

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. The site is zoned R-1 and developed with five single-family residences. The subject site is also within the Gatewood Urban Conservation District (UCD). Adjacent on the east and south are homes within the Gatewood neighborhood. Abutting the site on the west is a home, and beyond the adjacent alley, a retail store and drive-thru restaurant zoned C-4 located at the arterial intersection. Land to the north is within an Urban Design District. Directly across NW 23rd Street is a drive-through coffee shop (Dutch Brothers) that recently opened. Other nearby uses to the north and west include sit-down and drive-thru restaurants, a pawn 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. This application was originally submitted as a request to rezone to C-3 with no changes to the Gatewood UCD. The Planning Commission requested a SPUD.

It was unknown at the time of review if the existing homes would remain and be converted to non-residential uses, or if the site would be redeveloped. The existing homes are contributing to the Gatewood West National Register District. Conformance with the comprehensive plan would be strengthened by preserving the existing homes. While retail uses are consistent with the “Retail Corridor” designation and the extent of commercial zoning on the north side of NW 23rd Street, the comprehensive plan also calls for maintaining community scale retail in nodes rather than allowing linear expansion, creating or enhancing pedestrian connections between buildings, and improving facades and design quality.

Potential compatibility issues are identified when locating some of the proposed commercial uses near residential uses. Outdoor uses should be eliminated. Additionally, new parking areas should be located behind buildings that front NW 23rd Street.

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 Evaluations:

1. Eliminate outdoor uses.
2. New parking lots shall be located behind buildings that face NW 23rd Street.

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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