



The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021

(SPUD-1319) Application by 2412 Olie, LLC., to rezone 2412 North Olie Avenue from the SPUD-788 District to the SPUD-1319 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name Mason Schwartz
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email mschwartz@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit a modified 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.

2. Size of Site: 0.16 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-788	NC	NC	NC	SPUD-867
Land Use	Commercial	Residential	Parking	Commercial	Undeveloped

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- 4. Development Context:** The 7,000 square-foot subject site is located along N Olie Street north of NW 23rd Street. It is the site of a former OG&E transformer station built in 1911 that is listed on the National Register of Historic Places. The site was zoned SPUD-788 in 2014 to allow for a residence and a yoga studio. The yoga studio was constructed and the building updated but it is currently vacant. The land surrounding most of the site is zoned NC (Neighborhood Conservation). To the south and east of the site is a school (Dove) and its parking lot. To the north of the site are single-family residential homes under NC zoning. To the west of the site is a vacant parcel under SPUD-867 zoning for a small multi-family development.

The SPUD proposes a Neighborhood Business (NB) base zone and retains the Urban Design District requirements of the Uptown 23rd District Overlay, including the requirement for design review. The purpose of the SPUD is to request the use *Spectator Sports and Entertainment: General (8300.67)*, limited to less than 50 people for small indoor and outdoor gatherings in a new courtyard north of the historic building that would be constructed.

II. SUMMARY OF PUD APPLICATION

This SPUD shall be developed in accordance with the regulations of the **NB Neighborhood Business District and the UD Urban Design Overlay District** (OKC Zoning Ordinance, 2020), except as modified herein.

All existing structures and development shall be permitted to remain and shall be deemed to be in compliance with all regulations contained herein.

1. The following uses shall be permitted within this SPUD:

Administrative and Professional Offices (8300.1)
Business Support Services (8300.24)
Convenience Sales and Personal Services (8300.32)
Cultural Exhibits (8250.5)
Dwelling Units and Mixed Use (8200.2)
Live/Work Units (8200.4)
Low Impact Institutional: Neighborhood-Related (8250.14)
Spectator Sports and Entertainment: General (8300.67) [*further limited to an event center, providing a setting for an indoor and outdoor wedding, receptions, reunions, bridal showers, and bridal shows, holiday parties, church services and other gatherings and events for less than 50 people and as allowed by Fire Code.]
Participant Recreation and Entertainment, Indoor (8300.55)
Personal Services: Restricted (8300.59)

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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 the SPUD. In the event that any new structure is built, it shall conform to the following: The maximum building height within this SPUD shall be governed by the NB base zoning district.

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 the SPUD. In the event that any new structure is built, it shall conform to the following: The maximum building size within this SPUD shall be governed by the NB base zoning district.

4. Building Setback Lines:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, it shall conform to the following: The building setback lines within this SPUD shall be governed by the NB base zoning district.

5. Sight-proof Screening:

Sight-proof screening shall be required in accordance with the applicable provisions of the UD Overlay district as set forth in Section 59-13700.5.E.

6. Landscaping:

All existing landscaping shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, it shall conform to the following: The landscaping shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

7. Signs:

All existing signs shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, attached signs shall be per the Urban Design Overlay (UD) district. Freestanding signs shall not be allowed.

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8. Access:

Access to the site shall be taken from N.W. 24th St.

9. Parking Regulations:

Development within this SPUD shall require a minimum of five (5) parking spaces.

10. Sidewalk Regulations:

All existing sidewalks shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, it shall conform to the following: Sidewalks shall be required, subject to the policies and procedures of the Public Works Department.

II. Other Development Regulations:

1. Architecture:

All existing buildings shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, it shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. Other:

4.1 Lighting:

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

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4.2 Drainage:

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

4.3 Dumpsters:

If commercial dumpsters are provided, they will meet the requirement of the UD and NB zoning districts.

III. Supporting Documents:

Exhibit A: Legal Description
Exhibit B: Site Plan – Conceptual

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

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- 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.

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- 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) Detention Determination
 - A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current "detention required area".
 - Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat
 - This Detention Determination will be specific to the single Final Plat under consideration
 - The Detention Determination will be valid for a period of six (6) months
 - If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6 month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
 - If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.

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- For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

c. Stormwater Quality Management

d. Traffic Management

8. Utilities

a. Engineering

Paving*

Sanitary Sewer Availability

- 1) An existing 8" sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: No objections

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 6" water main in the street right-of-way of NW 24th St.
- 2) 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 and fire protection systems which require water pressure in excess of 25 psi.

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- 3) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 4) Proposed water main(s) must be in a dedicated easement. No other utilities will be allowed within the dedicated easement.
- 5) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 6) Additional Comments: No objections.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Maintain historical lot and block sizes where possible and appropriate.
- Utilize Best Management Practices (BMP) for stormwater.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

This property is a historic resource, individually listed in the National Register of Historic Places. About five years ago, it utilized state and federal tax credits for a certified rehabilitation. The building incorporates an entrance at the street and has attractive street facades to create pedestrian-scale visual interest.

National, state, and local permitting require basic best management practices for stormwater management. Plan conformance would be increased if existing trees remained on site or were replanted.

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. *The proposal is within the LUTA range.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.

The SPUD maintains the connectivity of the street network by limiting access to NW 24th Street only. Access is not allowed on NW 24th Street in the Neighborhood Conservation District zones surrounding the site.

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However, access from NW 24th Street was allowed and constructed in SPUD-788. No access is allowed from N Olie Avenue which runs one-way to the south due to school traffic at NW 23rd and Olie.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Discourage widening of neighborhood streets and increasing curb radii.

The site has sidewalks on both Olie and NW 24th Street.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Retail Low Intensity adjacent to existing institutional uses, no 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.
- 3) **Service Efficiency:**
 - Water: *Fully served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs are identified on the site.
- 5) **Transportation System:** This site is located along Neighborhood Streets in the Urban Medium LUTA. *Sidewalks are available and bus transit is located within one block on NW 23rd Street.*
- 6) **Other Development Related Policies**
 - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
 - 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. Large-scale commercial buildings with parking in front should screen parking lots with coordinated development of out-parcels (pad sites) and with landscaping. (SU-28)
 - Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

7) **Other Considerations: Retail Node and Corridors (Revitalize)**

Retail nodes and corridors seek to develop a robust retail sector to generate sales tax levels and growth to fund quality services for the City and to meet needs for goods and services to enhance the quality of surrounding neighborhoods. Corridors targeted for revitalization need help strengthening retail uses through filling vacant space, landscape and beautification efforts, façade programs, business coordination and the introduction of new complementary land uses.

The site is part of a larger area identified in **planokc** as a Retail Priority Area under the “Revitalize” Framework. The retail area extends along NW 23rd Street from N Villa Avenue to Interstate 235. Applicable policies under this framework include:

- Improve facades and design quality.
- Limit or reduce curb cuts by encouraging shared entrances.
- Integrate complementary land uses such as office and multifamily housing.
- Create or enhance pedestrian connections between buildings and centers.

b. Plan Conformance Considerations

The proposal is in conformance with retail priority and UM LUTA policies for connectivity, integrating land uses and commercial buildings close to the street. It seeks to convert a historic resource building into a new use in conformance with **preserveokc**. It was unclear at the time of review if the mature trees on the west side of the site that are located inside the fence and shade the outdoor area would be preserved. Plan conformance would be increased, and the walkable environment/active streetscape in the Uptown 23rd District enhanced, by preserving the trees. If not retained, new trees should be replanted along the sidewalk.

The subject site is within an Urban Design District (UD) and this SPUD application is subject to review by the Urban Design Commission (UDC). The UDC is scheduled to consider and make a recommendation on this rezoning application on May 26, 2021. The SPUD maintains the Urban Design requirements.

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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. The trees on the west side of the SPUD site shall be preserved.

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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