

**Minutes**  
**Capitol-Medical Center Improvement and Zoning Commission**  
**July 28, 2017**  
**8:15 a.m.**  
**Will Rogers Building, Rm. 216**  
**Oklahoma City, Oklahoma**

A meeting notice was given and an agenda posted in accordance with the Open Meeting Act.

**MEMBERS PRESENT:** Brian Downs  
Reginald Johnson  
Jeremiah Jordan  
Paul Manzelli  
Ken Phillips  
Dan Ross

**MEMBERS ABSENT:** Tiana Douglas  
Hillary Farrell  
Joshua Greenhaw  
Jerry Winchester

**STAFF/GUESTS:** Ben Davis, OMES Zoning Administrator, Director of Planning  
Karl Kramer, AAG, Oklahoma Attorney General Office  
Greg Hubbell, Code Enforcement  
Kevin Gates, UHAT  
Dan Raiden, OU Medical Center  
Casey Woods, OU Medical Center  
Ike Ogbue, Perkins + Will  
Stephen Smith, Neighbor  
Nathan CAO, Omega Investments

**A. Roll Call:**

Chairman Ross called the meeting to order at 8:20 a.m. A roll call taken and a quorum established. Chairman Ross advised that notice of the meeting was given and an agenda posted in accordance with the Open Meeting Act.

**B. Minutes:**

**1. Approval, disapproval and/or amendment of the minutes of June 23, 2017, meeting.**

Mr. Phillips moved to approve the meeting minutes of June. Mr. Jordan seconded the motion, the motion passed and the following votes recorded:

Mr. Downs, abstain; Mr. Johnson, yes; Mr. Jordan, yes; Mr. Manzelli, yes; Mr. Phillips, yes; Mr. Ross, yes.

**C. Special Public Hearings:**

- 1. Discussion and possible action regarding V-16-17-40, request for a variance by Omega Investments to exceed the maximum density of use (number of housing units) allowed in a medium density Residential District (R-2) and expand off-street parking at 702 NE 16 Street in Howes Capitol Addition of Oklahoma City, OK.**

The applicant proposed to enclose three bays of a two-story garage apartment to construct a fourth dwelling unit. The main structure is a duplex, with a garage apartment that has three automobile bays on the first floor. A variance is required due to the intensity of use limits based on lot size. In order to have four units in an R-2 district, the lot has to be at least 10,100 square feet. The applicant's lot is 7,700 square feet. The rules limit allowable units for that size lot (two lots or smaller) unless it is 8,000 square feet or more. The two-story garage apartment was constructed in the 1920s as three units before the zoning rules became law, grandfathering in the unit. The garage enclosure would create a fourth unit.

The applicant also proposed to expand the surface parking lot to the rear of the main structure, in between the existing concrete pad in front of the garage and the duplex, and to add a second curb cut on the left side of the new parking area. The rules limit curb cuts to one if the parking lot is 20 spaces or less. The applicant's parking area is outside of the setback areas. The rules state that yards are defined as setback areas, meaning the parking area would be outside of the setback areas. No parking shall be permitted in any yard areas except on driveways. The R-2 district requires a side yard setback of 15 feet on a corner lot and lot coverage limited to 35 percent. The definition of lot coverage only includes main and accessory buildings and does not mention paving, which staff interprets to mean that paving is something that is not to be considered as a part of lot coverage.

The zoning rules state that non-conforming structures shall not be considered ground for issuance of a variance. The comprehensive plan recommends supporting the revitalization of the area east of Lindsay, between 14<sup>th</sup> and 16<sup>th</sup> Streets, by providing a mix of residential uses, if the scale, parking and design are consistent with the overall neighborhood.

The Commissioners were provided documentation of communications by staff protesting the applicant's request. There were no communications received by staff supporting the request. Mr. Smith, a neighbor to the area, attended the meeting and showed his support of the applicant and the good he has done in the area on fixing up properties.

Staff recommended to grant a variance and approve the building permit, with the finding that the strict application of the intensity of use requirements would result in peculiar and exceptional undue hardship on the property owner and that the proposed

work complies with applicable zoning rules, with the conditions that there be no additional curb cuts made for the parking area and that the parking area would be set back from the property line off of Lindsay Avenue at a minimum distance of 15 feet.

The Citizen's Advisory Committee recommended to deny the request based on zoning requirements not being a peculiar or exceptional undue hardship on the property owner and that the additional paving will be excessive for the residential district.

The applicant's reason for adding a fourth dwelling unit was based on future growth of the surrounding district and profit. When questioned if it had been brought before the Citizen's Advisory Committee or the Commission before the work started, Mr. CAO said it was an honest mistake that he forgot about the rules and regulations. When asked about if he intended for the unit to be used as an Airbnb rental, he acknowledged there was discussion about it.

Mr. Jordan made a motion to deny the variance. Mr. Phillips seconded the motion, the motion passed and the following votes recorded:

Mr. Downs, yes; Mr. Johnson, yes; Mr. Jordan, yes; Mr. Manzelli, yes; Mr. Phillips, yes; Mr. Ross, yes.

**D. Rezoning Request:** None.

**E. Conditional Use Permits:** None.

**F. Building Permits:**

- 1. Discussion and possible action regarding BP-16-17-42, Request by the University Hospitals Authority and Trust on behalf of HCA Health Services of Oklahoma Inc. to construct a hospital tower at 700 NE 13<sup>th</sup> Street (OU Medical Center) in the Howes Capitol Addition in Oklahoma City, OK (variance required).**

Mr. Downs moved to approve building permit BP-16-17-42. Mr. Johnson seconded the motion, the motion passed and the following votes were recorded:

Mr. Downs, yes; Mr. Johnson, yes; Mr. Jordan, yes; Mr. Manzelli, yes; Mr. Phillips, yes; Mr. Ross, yes.

- 2. Discussion and possible action regarding D-17-18-1, request by the City of Oklahoma City to demolish a dilapidated structure (garage) at 841 NE 28<sup>th</sup> Street in the Alta Lawn Addition of Oklahoma City, OK.**
- 3. Discussion and possible action regarding D-17-18-2, request by the City of Oklahoma City to demolish a dilapidated structure (garage) at 813 NE 29<sup>th</sup> Street in the Neffs Capitol Addition of Oklahoma City, OK.**

Due to both applications being the same in nature, agenda items 2 and 3 were combined.

The recommendation from staff and the Citizen's Advisory Committee is to approve both permits.

Mr. Johnson moved to approve permits D-17-18-1 and D-17-18-2. Mr. Downs seconded the motion, the motion passed and the following votes were recorded:

Mr. Downs, yes; Mr. Johnson, yes; Mr. Jordan, yes; Mr. Manzelli, yes; Mr. Phillips, yes; Mr. Ross, yes.

**G. Miscellaneous:** None.

**H. Reports and possible discussion from Commissioners or Director:** None.

**I. Adjournment:**

There being no further business, Mr. Phillips made the motion to adjourn. Mr. Johnson seconded the motion. Seeing no opposition, the meeting adjourned at 9:10 a.m.