

Minutes
Capitol-Medical Center Improvement and Zoning Commission
Mar. 22, 2019
8:15 a.m.
Will Rogers Building, Rm. 216
Oklahoma City, Oklahoma

A meeting notice was filed with the Secretary of State and an agenda posted in accordance with the Open Meeting Act.

MEMBERS PRESENT: Tiana Douglas
Hillary Farrell
Joshua Greenhaw
Jeremiah Jordan
Ken Phillips
Janis Powers

MEMBERS ABSENT: Brian Downs
Paul Manzelli
Dan Ross
Jerry Winchester

STAFF/GUESTS: Ben Davis, OMES Zoning Administrator, Director of Planning
Casey Jones, OMES Assistant Planner
Beverly Hicks, OMES Planning/Administrative Coordinator
Karl Kramer, OAG
Catherine Montgomery, P and D Studio
Sheryl Lovelady, Lincoln Terrace
Matthew Pearce, Preservation and Design Studio
Zakia Jihad, Resident
Brian Prince, Resident
Rachael Weber, CARE Center
Clint Newsom, Basis Design
Blaine Nice, Fellers Snider-Care Center
Jamaal Jackson, Obelisk Engineering
Stacy McNeiland, CARE Center
Sandra Finney, President of the Oklahoma City Federation of Colored Women Club
Mike and Cathy Stieb, Resident
Michael Turner, Resident
Jonice Meziere, CARE Center
Patrick Schlecht, Citizens' Advisory Committee
Samantha Johnson, Guest (McGuire)

A. Roll Call:

Acting Chairman Josh Greenhaw called the meeting to order at 8:19 a.m. A roll call was taken and a quorum established. Mr. Greenhaw was advised that notice of a meeting had been given and an agenda posted in accordance with the Open Meeting Act.

B. Minutes:

1. Approval, disapproval and/or amendment of the minutes of the January 25, 2019 meeting.

Ms. Douglas moved to approve the meeting minutes of January. Mr. Jordan seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, yes; Ms. Powers, yes.

C. Special Public Hearings:

1. Discussion and possible action regarding an appeal of the Historical Preservation and Landmark Board of Review's February 7, 2019 decision to deny some proposed work and approve with conditions other proposed work for CA-18-19-16 requested by Michael and Cathy Stieb for a Certificate of Appropriateness for the property located at 715 NE 18th Street in the Lincoln Terrace subdivision (Capitol-Lincoln Terrace Historic District) of Oklahoma City. Said request includes installation of a gazebo; the addition of stained wood siding to gables on the east and west facades of the detached garage; removal of existing painted siding of the gables of the east and west facades of the home and replacement with stained wood siding; removal of existing painted railings and brackets on the porte-cochere and replacement with stained wood railing and brackets; removal of existing painted fascia on the porte-cochere and replacement with stained wood fascia.

Michael and Cathy Stieb (Applicants), twenty-six year residents in the Capitol Lincoln Terrace Historic District neighborhood, received a zoning violation notice from the City of Oklahoma City in December 2018 due to not attaining a Certificate of Appropriateness (CA) prior to the commencement of exterior work completed in February 2018. A CA application was submitted to staff after the fact for review and approval. The Historical Preservation and Landmark Board of Review (HPLBOR) met on Thursday, February 7, 2019 and denied the request for installation of a gazebo with the suggested alternative to replace the standing-steam metal roof on the gazebo with architectural shingles to match the house and garage and resubmit to staff for administrative review prior to commencement of further work, approve the stained wood siding on the east and west side gables of the house and garage with the condition to paint the siding to match the finish of the previous wood siding on the gable of the house, because a painted finish is what is historically found in the neighborhood, and approved the porte-cochere (Carport) with the condition that all wood surfaces should match the finish of the previous wood siding (Painted) on the gable of the house with an additional requirement to add two crosshatches, as was shown in a 1974 photograph. Mr. and Mrs. Steib appealed to the Commission for a hearing to challenge the decision of the Board.

Mr. Stieb stated that they have had a metal gazebo in their backyard in different locations for twenty-three years. In the current location the former metal gazebo rusted away and they replaced it with a wooden gazebo to match the property. It was their understanding that the gazebo did not require a permit if it was under two hundred square feet. In 2016 the applicants were cited when the gazebo was first built. The City inspector(s) came out to view the work that was done and said it did not need a permit from the City because of its square footage, so the City cancelled its violation. Mr. Ben Davis, Zoning Administrator and Director of Planning,

explained that the Zoning Rules require that any exterior work regardless of size requires a permit from the Capitol-Medical Center Improvement and Zoning Commission (“The Commission”).

Mr. Stieb questioned if the gazebo in its current state was there prior to the rules being adopted, would it have been grandfathered in?

Mr. Davis answered that if the gazebo existed before the Historic Preservation Standards and Guidelines were adopted then it would have been grandfathered in. The HP Standards and Guidelines require any kind of full scale replacement to be reviewed prior to work being done.

Counsel to the Commission stated that any possible grandfathering would have been in his favor if nothing was changed, but since the structure was changed a permit is required.

Acting Chairman Greenhaw stated that there is a distinction between a permit from the City of Oklahoma City and a permit from the Historical Preservation and Landmark Board of Review (“The Board”), which is a State entity.

Mr. Stieb stated that he admitted he should have obtained a permit before work began on the wood siding on the gables of the house and garage and noted that everything was the same except for the finish.

The decision of the Board is to require paint rather than stain, but the Board does not consider color. Color is not a consideration, but specific material used is a consideration. Paint should be an opaque (not transparent) covering rather than a penetrative covering that would allow the wood grain to be seen.

The approval was conditional for resubmission and administrative approval by staff on the proposed finish. The color chosen is up to the homeowner and the finish needs to be what the finish was historically. Research of paint/color is specific to historic finishes associated with a specific building.

The same applies to the porte-cochere as stated in the two paragraphs directly above with the two cross hatches added as was historic to the home in 1974.

Mr. Davis submitted into evidence a packet of documents (Staff report and attached communications between the applicant and staff) for the record. Mr. and Mrs. Stieb had no documents to submit into evidence for their appeal.

Mr. Phillips moved to approve to affirm the Board’s decision made on February 7, 2019. Mr. Jordan seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, yes; Ms. Powers, yes.

D. Variance Requests:

1. Discussion and possible action regarding V-18-19-2, a request by Michael Turner for a variance from the 12-foot driveway width requirement in the RD-1 District 808 NE 25th Street in Oklahoma City.

Mr. Turner (Applicant) requests to widen his existing driveway from eight feet to sixteen feet wide and is requesting a variance from the Zoning Rules to authorize him an additional four feet of width in addition to the maximum driveway width permitted of twelve feet wide for the driveway approach, to equal the portion of his driveway near the front of the house that is already sixteen feet wide. He also requests to add a two feet walkway outside the front door of the house.

Staff recommendation is to grant a variance and approve with conditions, with the finding that the strict application of the maximum driveway width requirement would result in peculiar and exceptional undue hardship on the property owner and that the proposed work complies with applicable zoning rules.

Conditions:

- a. The driveway shall be a maximum of 12 feet in width from the street right-of-way line to the 25-foot setback line.
- b. South of the 25-foot front yard setback line, the driveway may be expanded to 16 feet in width.

The Citizens' Advisory Committee (CAC) met on March 14, 2019, and recommended in favor of Mr. Turner's request to grant and approve a variance for the 16-foot wide driveway to the street.

Mr. Phillips moved to approve and grant the variance with the staff recommendation as set forth in the staff report. Ms. Powers seconded the motion. The following votes were recorded and the motion failed:

Ms. Douglas, no; Ms. Farrell, yes; Mr. Greenhaw, no; Mr. Jordan, no; Mr. Phillips, yes;
Ms. Powers, no.

Ms. Douglas moved to approve and grant the variance application as submitted. Mr. Jordan seconded the motion. The following votes were recorded and the motion failed:

Ms. Douglas, yes; Ms. Farrell, no; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, no;
Ms. Powers, no.

Ms. Powers moved to rescind the two prior votes and table the variance request to the next meeting for the staff to work with the applicant. Mr. Jordan seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, yes;
Ms. Powers, yes.

E. Rezoning Requests:

- 1. Discussion and possible action regarding Z-18-19-2, a request by CARE Center, Inc. to change the zoning designation of the property located at 1440 North Everest Street, described as Lots 13, 14, 15, and 16, Block 6, Culbertson Heights Addition, consisting of 0.64 acres, from Single Family Residential District (RD-1) to Low Rise General Residential District (RD-3).**

F. Conditional Use Permits:

- 1. Discussion and possible action regarding CU-18-19-1, a request by CARE Center, Inc. for a conditional use permit for child advocacy organization offices on the property located at 1440 North Everest Street, described as Lots 13, 14, 15, and 16, Block 6, Culbertson Heights Addition.**

The Commission considered items E.1 and F.1 as a combined motion.

The Citizens' Advisory Committee reviewed both requests as one vote at their meeting on March 14, 2019, which resulted in a split decision (4/4) with one abstention – motion failed, therefore resulting in no recommendation from the committee on both items.

The applicant, Stacy McNeiland, CEO of the CARE Center, Inc. ("The Center"), reported that her staff and the ladies of the Brockway Center (BC) have been working together and came to a Resolution and a Memorandum of Understanding (MOU) that the ladies of the BC drafted for the Center that was signed by both parties honoring the significant history of the BC. A copy of the resolution was provided to the Commissioners. The women officially withdrew their formal objection to the demolition of the structure. Ms. Sandra Finney, President of the Oklahoma City Federation of Colored Women's Club, affiliated with the BC was present and spoke in support of Ms. McNeiland and of the great things the Center is doing for children in need of vital services the Center provides. Ms. Finney is also in support of how the Brockway Center and the ladies memory and legacy will be kept alive as inspiration for future generations to come.

Ms. McNeiland shared that they are a non-profit organization that are child abuse experts founded in 1991, rooted in the Culbertson Heights District and are the only childhood advocacy center and child abuse experts in the area serving children with the most severe cases of abuse, dealing with an epidemic of most proportions and are the very beginning of child abuse investigations and crimes, within 24 hours the most severe cases are referred to them. They serve more than 11,000 families and children in 2018 and have grown over the last five years by sixty-two percent (62%) and overly crowded. Most important, space is needed for child center areas, counseling, medical and to serve them in family center areas.

In 2017 they began researching property options for expansion and lucked out when 1440 N. Everest Street came up for sale and they purchased the property, which is in very close proximity to the main building and other locations owned by the Center. The other properties on their block they own help them to dictate the traffic and are more able to help escort families and children back and forth to their properties for various reasons without there being a hazardous safety. These units and robust campus supports and house victim services, mental

health, sexual behavioral unit, child study center, education unit, FBI, OSBI, Homeland Security, JAG, DHS and OKC Police Department.

All of their utilized properties have been renovated and they intended to renovate the N. Everest Street property to eventually be linked to the main building, but it was discovered that the building was not safe to inhabit (Safety of life), especially with the amount of children they are expecting to have in the facility. This evidence was presented and supported by Jamaal Jackson, Obelisk Engineering and Clint Newsom, Basis Design (architect). Mr. Jackson addressed the feasibility of bringing this structure up to the standards of where it needs to be for the house and future use, and stated that it is not economically feasible to convert the structure for its intended use for the Center, due to the extensive work that would have to be done to it, per the economic studies that were done to renovate it, versus the new build cost to turn it into the intended use. Mr. Newsom stated that the feasibility to bring the house up to code and life safety is not there.

When planning for the future, when the property became available they had no prior knowledge on the history of the location. They purchased the property in 2018 and are the fourth owner of the property. As soon as they found out that there was rich history and profound work that was done in the house, they halted their plans to make sure that the Women of the BC are heard, they are thoroughly involved in the process, if the home has to be torn down because of safety concerns and dilapidation that they rebuild a structure that they want and are active in the entire process. The Center, as outlined in the MOU, will provide a designated space at no charge for as long as they want to have meetings, special engagements, and anything else. A variety of historical markers will be provided on the outside of building in the yard that the Women of the BC designed. There will be a whole wall in the board room dedicated to the women and the federation, including pictures, banners and whatever they deem appropriate and one of the ladies will also be a board member of their organization and future planning staff. They will also be working with the Capitol-Medical Center Improvement and Zoning Commission/District Historical Preservation and Landmark Board of Review.

Some of the history entails that in its time it was an organized club in 1910 and was the first organization of its kind in Oklahoma City and nationwide. An early leader protested lynching in 1911, endured suffrage in 1914 and advocated for the employment of African Americans. It was also a place for women and children to convene; teaching sewing classes. In the 60's, Maude Brockway brought the property, thus the "Brockway Center," which has a banner displayed in the National Museum of African American History. Ms. McNeiland and the CARE Center never want to lose sight of what happened in that building and is why both parties are working together to honor the past and move forward to help children in the future. In Ms. McNeiland's opinion the historic part of the building is not the building itself; it is what happened in the building, being the lives that were changed, the civil rights efforts that were initiated and the ideas, which is what will be recognized.

The following people gave public comment limited to two minutes each.

Catherine Montgomery:

Ms. Montgomery is President and Founder of the Preservation and Design Studio in Oklahoma City, made up of architects, interior designers and historic preservation specialists. She started her own company after working in state government, because she realized there is a gap of misunderstanding and believes there are a lot of good people working in government, but their ability to influence decisions is limited because of their official positions. She chose to shift gears and start her own company to make the preservation perspective known without having to compromise that position. She came today to represent an alternative point of view in that she argued that the rezoning is really specific to the request at hand and that the proposed use demolition of the building and post use of that site. Even though administratively the items are being considered separately, they are very connected. She recognizes there is a lot of due diligence that takes place before a property or investment is taken, and was surprised it did not include an investigation based on the County Assessor's website, where it is apparent who the user was and how long they had been there and purchasing a property with years in advance without having checking that out, she found is interesting. In December 2018, a letter was sent by the City of Oklahoma City to the State Historic Preservation Office (SHPO), because CDBG funds had been requested on behalf of the CARE Center and at that time SHPO did reply, saying that demolition would be an adverse effect and from that first position in 2010 the significance of the property had grown to an individually eligible status. She submitted a letter to the Commission for consideration that was included in the packet they received.

Sheryl Lovelady:

Ms. Lovelady, a resident of Lincoln Terrace, listened to the presentation by the CARE Center to the Citizens' Advisory Committee as well, and what she did not hear and asked, is if a renovation budget was seriously configured, and given the lot size, were options explored for opportunities to build on the property to add the square footage needed to meet the needs of the Center's intended use. Ms. McNeiland appreciated her inquiry and referred to the packet she provided showing how they literally manipulated every piece of the land to try and make the intended use for their needs, but the outcome was not ample parking and the setbacks were not accommodating. At one point renovation was the answer, but the architect Mr. Newsom, recognized the weight of the structural issues and how much it could hold. What they identified was with all the plumbing, asbestos, and lead paint, it would be so cost prohibitive to remedy all of those issues. As a CEO that helps children, where a house cannot support the weight unless it is only two or three people living there, for her, the safety of the children is not worth it. Ms. Lovelady, addressed the budget question again. Ms. McNeiland said that the cost was up into the three million dollar (\$3,000,000) range for renovating 2500 square feet of usable space as the structure currently stands, and they were not getting the size building they needed to accommodate their uses. The new building project is two million dollars (\$2,000,000) and they are getting everything they need with a safer structure.

Matthew Pearce:

Mr. Pearce is a historian who works for the Preservation and Design Studio in Oklahoma City. His primary responsibility is writing national register nominations and also starting the Part Ones for the tax credit process. He addressed an earlier comment made by Ms. McNeiland of what is more significant, the building or the history that takes place within the building, and he believes you cannot separate the two, because the building provides the setting/space that embellishes the history in which the history cannot be replaced. The two former locations of

the Oklahoma City Federation of Colored Women's Club on NE 4th Street in Oklahoma City, before they purchased the Brockway Center, were demolished, making it the last building associated with the club.

Zakia Jihad:

Ms. Jihad is a close neighbor and had been watching the campus of the CARE Center, but not knowing who they were the whole time, because there was never any signage identifying the business. She was happy and honored to find out who they are, their purpose and the services they provide for children in crisis. She had always been aware that the property in question would eventually be taken, but got concerned when she received notification in the mail informing of today's Public Hearing and was concerned for her own property due to the fact that she was never notified of any discussion taking place on this matter before the meeting today. The administrator of the Zoning Commission informed her that the CARE Center's process and the Zoning Commission's process are different. The Zoning process providing a notification letter of residents within a 300 square foot radius gives the residents opportunity to have a voice for what is being considered today. Ms. McNeiland informed that letters were sent out in 2016 when they were starting and forming ideas and that there now is signage.

Brian Prince:

Mr. Prince is a close resident in the area and also is a Pastor in the area. He reiterated the same sentiments of Ms. Jihad in not knowing who they were and is glad to know. He is happy for it and would like to be involved and facilitate change. His concern is the family continuity of the community. It is a neighborhood and does not want to feel as if pushed out with the Center as a façade of an office park. Ms. McNeiland shared their goal is that it looks like a house, which is essential for children coming into the Center for them to feel comfortable. She invited Mr. Prince to become a part of their future committee.

Commissioner Phillips applauded both organizations on presenting their cases.

Mr. Phillips moved to approve items E.1 and F.1. Ms. Powers seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, no; Mr. Phillips, yes; Ms. Powers, yes.

G. Building Permits:

- 1. Discussion and possible action regarding D-18-19-3, a request by CARE Center, Inc. for a building permit for demolition of the existing 3,544 square foot building on the property located at 1440 North Everest Street, described as Lots 13, 14, 15, and 16, Block 6, Culbertson Heights Addition.**
- 2. Discussion and possible action regarding BP-18-19-33, a request by CARE Center Inc. for building permit for construction of a 5,855 square foot, two story office building and associated parking improvements on the property located at 1440 North Everest Street, described as Lots 13, 14, 14, and 16, Block 6, Culbertson Heights Addition.**

The Commission considered G.1 and G.2 as one motion.

Staff recommended to table both items since the revised plans were recently submitted and to allow time to review fully and work with the applicant to make sure the plans are in compliance.

Ms. Powers moved to table until the next meeting. Ms. Douglas seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, yes; Ms. Powers, yes.

3. Discussion and possible action regarding D-18-19-2, a request by the City of Oklahoma for a building permit to demolish a 1,788 square foot home at 935 NE 17th Street in the Lincoln Terrace Addition of Oklahoma City.

The City of Oklahoma City requests the property be demolished and deemed it as a dilapidated structure. It suffered severe fire damage in November 2018. The current owner proposes to demolish the home.

The application was reviewed and a certificate of appropriateness was granted by the Historical Preservation and Landmark Board of Review on March 7, 2019.

The Citizen's Advisory Committee recommended approval.

Staff's recommendation is to approve the demolition request.

Ms. Douglas moved to approve the demolition. Ms. Farrell seconded the motion. The following votes were recorded and the motion passed:

Ms. Douglas, yes; Ms. Farrell, yes; Mr. Greenhaw, yes; Mr. Jordan, yes; Mr. Phillips, yes; Ms. Powers, yes.

H. Miscellaneous:

1. Perkins+Will upcoming presentation on Friday, April 5, 2019 at 8:15 a.m.

I. Reports and possible discussion from Commissioners or Director:

1. Discussion of home sharing ordinance recently adopted by the City of Oklahoma City.

Currently the Capitol-Medical Zoning jurisdiction does not have any regulations or rules on this type of land use and this topic is for future consideration.

Information only. No action required.

J. Adjournment:

There being no further business, Ms. Farrell made the motion to adjourn. Ms. Powers seconded the motion. Seeing no opposition, the meeting adjourned at 10:42 a.m.