



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 12, 2025

Item No. IV. 28.

(SPUD-1733) Application by 4625 NW 39th LLC and Arec Zadeh to rezone 4625 NW 39th Street from R-1 Single-Family Residential and C-3 Community Commercial Districts to SPUD-1733 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant

Name Zohreh Mazroei
Company 4625 NW 39TH LLC
Phone 405-202-9900
Email zmazroei@gmail.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to allow commercial development, specifically a used car dealership.

D. Existing Conditions

1. Size of Site: 8,398 Square Feet

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1/C-3	R-1	C-3	I-1	R-1/I-1
Land Use	Residential/Retail	Residential	Restaurant	Auto Sales / Credit Union	Residential/Restaurant

3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to all C-3 uses, the following shall also be permitted by right:

(8300.18) Automotive and Equipment: Automobile Dealerships and Malls

1.1 Minimum Lot Size: Per Code.

1.2 Minimum Lot Width: Per Code.

2. **Maximum Building Height:** Per Code.

3. **Maximum Building Size:** Per Code.

4. **Maximum Number of Buildings:** Per Code.

5. **Building Setback Lines**

Front Yard: Per Code.

Rear Yard: Per Code.

Side Yard: Per Code.

Corner Side
Yard: Per Code.

6. **Sight-proof Screening:**

A residential buffer and screening shall be required along the north SPUD boundary per Code.

7. **Landscaping:** Per Code.

8. **Signs:**

Signage within this SPUD shall be per Code except that Off-Premise / Billboard signs and EMD signs shall be prohibited.

9. Access:

One (1) thirty-foot wide (30') drive shall be permitted from NW 39th Street. The remaining curb cut along NW 39th Street and the two drives on Libby Avenue shall be closed, curbed, and landscaped.

10. Sidewalks Per Code.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space: Per Code.

3. Street Improvements: Not required.

4. Site Lighting: Per Code.

5. Dumpsters:

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a maximum of 35 parking spaces, including ADA spaces.

7. Maintenance:

Maintenance of the common areas, private drainage easements, private drives, and islands/medians in the development shall be the responsibility of the property owner.

8. Drainage:

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

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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s): Putnam 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**

Storm Sewer Availability

1. The Public Works Engineering staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to the applicable requirements of the Oklahoma City Municipal Code, as amended.
2. Storm sewers, in accordance with the City of Oklahoma City's Drainage Ordinance, will be required. For developments abutting section line roads where rainfall-runoff exceeds the capacity of the City of Oklahoma City's standard ditch detail, the installation of enclosed storm sewers and/or concrete channels will be necessary. These improvements must be positioned to provide a minimum clearance of 35 feet from the centerline of the section line road. Concrete channels must be located entirely outside the public right-of-way.
3. A flood/drainage study will be required to establish finished floor elevations, common lot areas, and private drainage easements. This study must be reviewed and approved by the Public Works Department.
4. Plans for drainage improvements within private drainage easements and/or common areas must be submitted for review. Building permits will not be issued until construction is complete. For subdivisions abutting a stream, private drainage easements and/or common areas along the stream must, at a minimum, encompass the entire FEMA-mapped Zone AE and floodway within the limits of the development.
5. Place the following note on the plat and construction plans: *Maintenance of the common areas, private drainage easements, and islands/medians shall be the responsibility of the Property Owners Association and/or the adjacent property owners. 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 drainage related common areas 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 that meets the requirements specified above.*
6. Drainage easements shall be clearly designated as either public or private in the owner's dedication, on the plat, and/or in the plat notes.
7. Sediment and erosion control measures shall be provided for any construction in accordance with Oklahoma Statutes Title 27A, OAC 606 - OPDES Standards, and the City of Oklahoma City Municipal Code, as amended.

A City of Oklahoma City Land Disturbance Permit and an ODEQ Construction Permit are required for land disturbance activities exceeding one (1) acre, as specified by the above-referenced regulations. Additionally, a City of Oklahoma

City Land Disturbance Permit is required for any construction activity, regardless of the amount of land disturbed, unless exempt under the ordinance.

8. Sidewalks shall be installed for all new construction in accordance with the Municipal Code. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction.
9. All private roads and streets shall have a private storm sewer system.
10. Amend Section Access: At the time of any construction within this SPUD, the driveway opening along NW 39th Street shall be modified to comply within the City of Oklahoma City driveway requirements.
11. Add to Section Sidewalks: Any repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

b. Stormwater Quality Management

c. Traffic Services

8. Utilities

a. Solid Waste Management

- 1) The City cannot provide service, contact private hauler.

b. Water Availability

1. An existing 6-inch 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 more than 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 guaranteed and will be reviewed at time of review of construction documents.
9. Plat may be revised after review and approval of utility plans.

c. Wastewater Availability

1. An existing 8-inch wastewater main(s) is located adjacent to the subject site(s).
2. Line capacity is not guaranteed 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.
7. Plat may be revised after review and approval of utility plans.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available on the subject site.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

The subject site is located along the north side of NW 39th Street, a highway in the Urban Low Intensity LUTA.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The current FAR of the site is 0.18. The SPUD regulations could continue to provide for a FAR within or below the Urban Low Intensity LUTA range.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

The subject site is located at the northeast corner of NW 39th Street and North Libby Avenue. NW 39th Street is classified as a Highway in the Urban Low Intensity LUTA. The site is currently served via an expanded curb cut that spans nearly the entire frontage of NW 39th Street and an additional access point along North Libby Avenue. The SPUD proposes one 30-foot-wide drive from NW 39th Street and closing, curbing, and landscaping all other access points. While the comprehensive plan supports access from the intersecting North Libby Avenue, the zoning conditions that typically apply to the auto sales use only allow access to streets with over 50 feet of right-of-way.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

Sidewalks are not currently available on the subject site. The SPUD proposes utilizing Code requirements for any changes to pedestrian connectivity.

- 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 residential uses or zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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 SPUD proposes utilizing the base C-3 District regulations for building setbacks, maximum building size, open space, and maximum building height. The base C-3 District limits building height to one story within 35 feet of the adjacent residential development, two stories within 150 feet, and allows up to 6 stories past 150 feet.*

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. *The subject site is located along the north side of NW 39th Street, a Highway in the Urban Low Intensity LUTA. No triggers requiring mitigation related to traffic were identified on the site.*

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. *Some of the proposed uses may create noise, spill light, or detectable odors above those found in typical residential settings. Potential operational impacts are identified on the north side of the subject site where abutting residential zoning. The SPUD provides some mitigation by maintaining the base C-3 District regulations for landscaping and screening. Plan conformance would be strengthened by requiring speaker boxes for any drive-thru uses to be located away from residential uses.*

- 3) **Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served*

- Fire Service: *Urban Response*
- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
- Riparian Areas: N/A
 - Upland Forests: N/A
 - Vulnerable Aquifers: The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.
- 5) **Transportation System:** The subject site is located at the northeast corner of NW 39th Street, a Highway, and North Libby Avenue, a Neighborhood Street, both in the Urban Low LUTA. The nearest transit (bus) service is located east of the site, along North Meridian Avenue.
- 6) **Other Development Related Policies**
- Prioritize maintaining the strength of existing commercial nodes and corridors over providing new areas for commercial development. (SU-23)
 - 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 points 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)

b. Plan Conformance Considerations

The subject site is located at the northeast corner of NW 39th Street and North Libby Avenue. The site is currently zoned C-3 along NW 39th Street and R-1 on the north. The site is developed with a main vacant building, which most recently served as a loan and cash checking business, and a small accessory building. North, and northwest, of the subject site is developed with a single-family residential neighborhood zoned R-1. Adjacent to the east is a fast-food restaurant zoned C-3. Across NW 39th Street, to the south, are a car dealership and a credit union zoned I-1. West of the site, fronting NW 39th Street, is a parking lot followed by a fast-food restaurant zoned I-1.

The SPUD is requested to permit the conversion of an existing building and vacant residential property to an automotive dealership. The SPUD proposes utilizing the base C-3 District regulations for building setbacks, maximum building size, open space, and maximum building height. The base C-3 District limits building height to one story within 35 feet of the adjacent residential development, and two stories within 150 feet. Some of the proposed uses may create noise, spill light, or detectable odors above those found in typical residential settings. Potential operational impacts are identified on the north side of the subject site where abutting residential zoning. Screening and landscaping will be required adjacent to residential. Additionally, the SPUD prohibits EMD signs and billboards, increases the setback from residential for dumpsters, and requires the closing and curbing of both existing driveways on the neighborhood 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 Evaluation:

1. Amend Section Access: At the time of any construction within this SPUD, the driveway opening along NW 39th Street shall be modified to comply within the City of Oklahoma City driveway requirements.
2. Add to Section Sidewalks: Any repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

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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