

Planning Commission Minutes
December 12, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:07 a.m. on December 9, 2024)

13. (SPUD-1682) Application by Ahadizadeh Family Trust to rezone 3420 North May Avenue from C-3 Community Commercial District to SPUD-1682 Simplified Planned Unit Development District. Ward 2.

Technical Evaluation:

1. The following Use Units will not be permitted: *8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment; 8300.15 Automotive and Equipment: Automobile Dealerships and Malls; 8300.45 Gasoline Sales, Large; and 8300.46 Gasoline Sales, Small: Restricted.*

The applicant was present. There were no protesters present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY POWERS, SECONDED BY MEEK

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON,
NOBLE

NAY: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
December 12, 2024

Item No. IV. 13.

(SPUD-1682) Application by Ahadizadeh Family Trust to rezone 3420 North May Avenue from C-3 Community Commercial District to SPUD-1682 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name Rob Elliott
Company Elliott Architects, Inc.
Phone (405) 272-0600
Email rob@elliottarchitects.com

B. Case History

This application was deferred from the October 10, October 24, and November 14, 2024 Planning Commission hearing dates.

C. Reason for Request

The purpose of this application is to allow commercial uses and medical marijuana hazardous processing.

D. Existing Conditions

1. Size of Site: 0.57 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	SPUD-878	R-1	C-3	C-3
Land Use	Dispensary	Auto Repair / Dealership	Residential	Indoor Recreation / Retail	Retail / Auto Sales

3. 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.

II. SUMMARY OF SPUD APPLICATION

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

The following use shall be permitted only as an accessory use to the primary use of the property and shall not be located within 90 feet of the eastern SPUD boundary:

8350.8: Light Industrial

2. **Maximum Building Height:** The maximum building height shall be in accordance with the base zoning district.
3. **Maximum Building Size:** Per Code.
4. **Maximum Number of Buildings:** Per Code.
5. **Building Setback Lines:** The building setbacks of the existing structures shall be deemed to conform with applicable regulations. In the event of a new structure, the base zoning requirements for building setbacks shall apply.
6. **Sight-proof Screening:** No less than a six-foot and no greater than a eight-foot high fence or wall shall be required along the boundary of this parcel where it is adjacent to any residential zoning or use. Said fence or wall shall be constructed entirely of stucco, brick, stone, wood or any combination thereof and shall be solid and opaque. Barbed wire fencing is not allowed.
7. **Landscaping:** In the event of a new structure, landscaping shall meet all requirements of the City of Oklahoma city's Landscaping Ordinance in place at the time of development.
8. **Signs:**
 - 8.1 **Free standing accessory signs:** Freestanding signs shall be per Code, except the no new pole signs will be allowed.
 - 8.2 **Attached signs:** Attached signs shall be per Code.
 - 8.3 **Off-Premise Signs:** Off-premise signs/billboards are not allowed.
 - 8.4 **Electronic Message Display signs:** No new EMD signs are allowed.

9. **Access:** One (1) access drive from North May Avenue will be allowed, and one access drive from Northwest 34th Street will be allowed.
10. **Sidewalks:** Sidewalks are available along North May Avenue. In the event the site is redeveloped, sidewalks will be installed along NW 34th streets, subject to the policies and procedures of the Public Works Department and ADA requirements.

II. Other Development Regulations:

1. **Architecture:** Exterior finish materials of new building construction shall require a minimum of ninety percent (90%) of the exterior wall surfaces to be brick masonry, decorative concrete masonry units, or architectural metal; and a maximum of ten percent (10%) wood siding, composite siding of wood appearance, or EIFS; pre-finished metal roofing or composition shingle roof shall be allowed with a minimum 6:12 slope; a low-pitch membrane roof shall be allowed with parapets to block the view of any roof-top mounted equipment. Existing buildings may remain as constructed, and if re-modeled, shall conform to the architecture regulations of this SPUD.
2. **Open Space:** NA
3. **Street Improvements:** N/A
4. **Site 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.
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. Maneuvering within the right-of-way from approved parking spaces on NW 34th street is permitted.
7. **Maintenance:** All property maintenance is the responsibility of the property owner or their designated representative.

- 8. Drainage:** Any new development within this SPUD will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

III. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

IV. 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) 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**
 - 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.

b. Streets, Traffic and Drainage Maintenance

c. Stormwater Quality Management

d. Traffic Services *

8. Utilities

a. Engineering

Water Availability *

Wastewater Availability *

b. Solid Waste Management

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

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.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

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.

National, state, and local permitting require basic best management practices for stormwater management. The current floor to area ratio of the site is approximately 0.19. The SPUD regulations could provide for continued development within or below the Urban Medium LUTA range.

Automobile Connectivity:

- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.

The subject site is located along North May Avenue, an arterial street in the Urban Medium LUTA. The site currently has one access along North May Avenue and one along NW 34th Street, which the SPUD regulations maintain.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are currently available along North May Avenue. If new development were to occur, the SPUD will require sidewalks along NW 34th Street.

- 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 site is already zoned C-3. No new compatibility issues are identified regarding building scale with the request to add one accessory light industrial use.*

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 North May Avenue, an arterial street in the Urban Medium LUTA. No issues requiring mitigation measures related to traffic 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 is requested to allow manufacturing of marijuana products within an existing dispensary. The proposed use (light industrial) triggers potential operational impacts adjacent to the residential uses to the east. To address these concerns, the SPUD has been modified since first submitted to require the use to be accessory to a primary use of the property, and it cannot be located within the eastern 90 feet of the property. To improve compatibility next to the neighborhood should the site be redeveloped, the SPUD could remove uses such as automobile repair, sales, and gas stations.*

- 3) **Service Efficiency:**
- Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Response*

- 4) Environmentally Sensitive Areas:** No ESAs were identified on the subject site.
- 5) Transportation System:** This site is located at the southwest corner of North May Avenue, a Major Arterial Street, and NW 34th Street, a Neighborhood Street, both in the Urban Low LUTA. The nearest transit (bus) service is located just south of the site, along North May Avenue.
- 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)
 - 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)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
 - 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 Node and Corridors (Reaffirm)**
- 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 “Reaffirm” Framework. The retail area includes the North May Avenue, NW 63rd Street, and NW Expressway corridors from NW 34th Street to West Britton Road. Applicable policies under this framework include:

- Upgrade streetscapes for visual coherency and place quality.
- Create or enhance pedestrian connections between buildings and centers.
- Undertake landscaping and beautification efforts to enhance the customer experience.

b. Plan Conformance Considerations

The subject site is located at the southeast corner of North May Avenue and NW 34th Street. The site is currently zoned C-3 and developed with a dispensary and multiple accessory storage buildings. Land to the north and south, and all along the N May Avenue Corridor is zoned C-3. To the north is auto repair/sales, to the south is a pool hall and appliance repair, and across May Ave to the west are retail and auto sales uses. The Venice neighborhood abuts the subject site on the east.

The SPUD is requested to allow indoor manufacturing of marijuana products. The equipment has been installed, but approval halted due to the need for zoning that allows the use (light industrial). The SPUD proposes to retain the existing C-3 uses and adds the light industrial use, which triggers potential compatibility issues next to the neighborhood. To address these concerns, the SPUD has been modified since first submitted to require the use to be accessory to a primary use of the property and prohibits the use within the eastern 90 feet of the property. To improve compatibility next to the neighborhood should the site be redeveloped, the SPUD should remove uses such as automobile repair, sales, and gas stations.

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. The following Use Units will not be permitted: 8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment; 8300.15 Automotive and Equipment: Automobile Dealerships and Malls; 8300.45 Gasoline Sales, Large; and 8300.46 Gasoline Sales, Small: Restricted

STAFF REPORT
The City of Oklahoma City
Planning Commission
December 12, 2024
SPUD-1682

Item No. 13.

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.

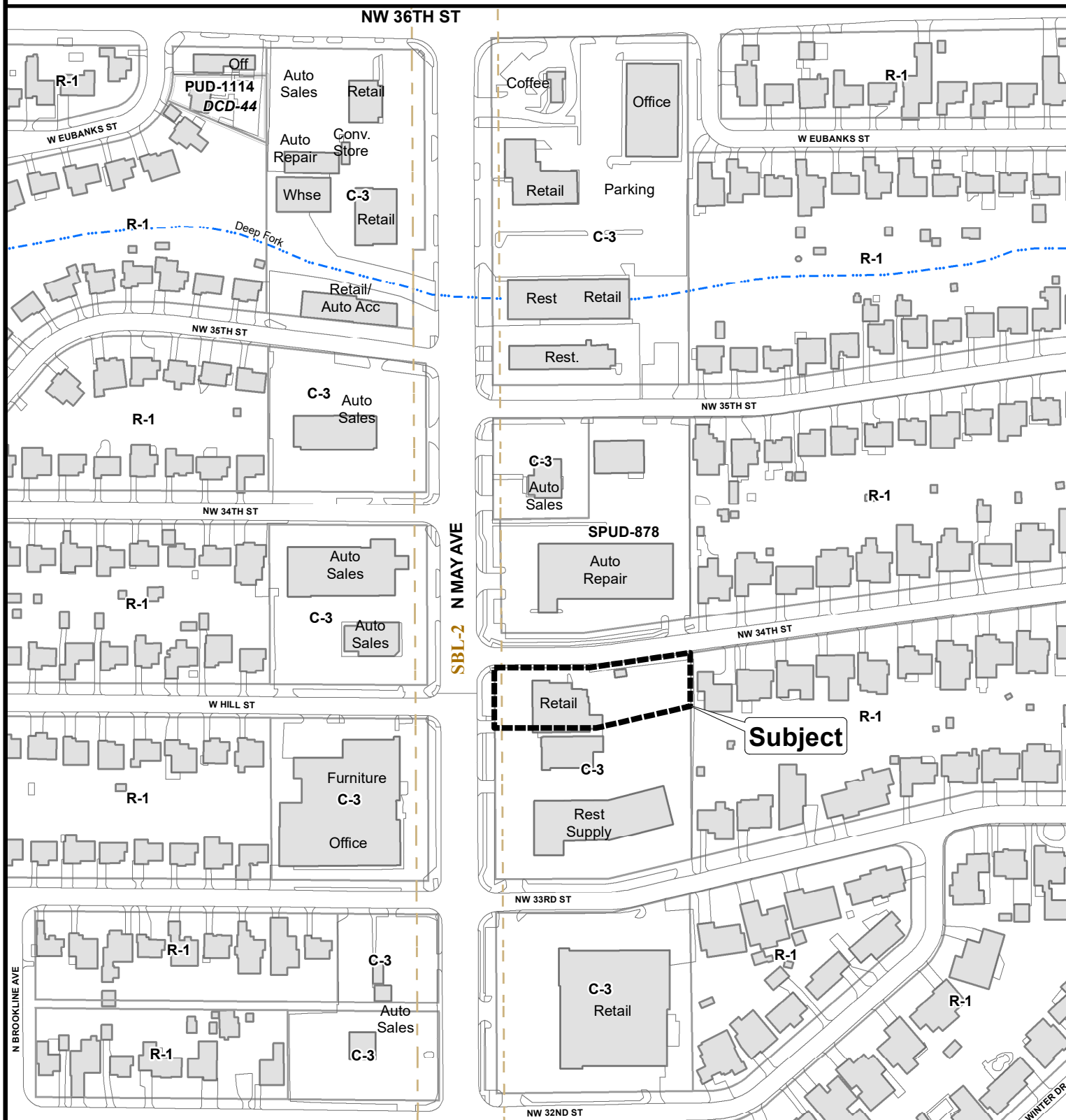
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Case No: SPUD-1682

Applicant: Ahadizadeh Family Trust

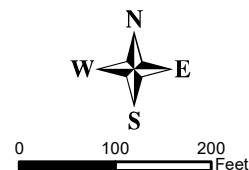
Existing Zoning: C-3

Location: 3420 N. May Ave.



The City of
OKLAHOMA CITY

Simplified Planned
Unit Development



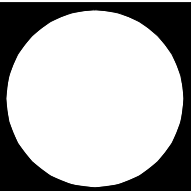
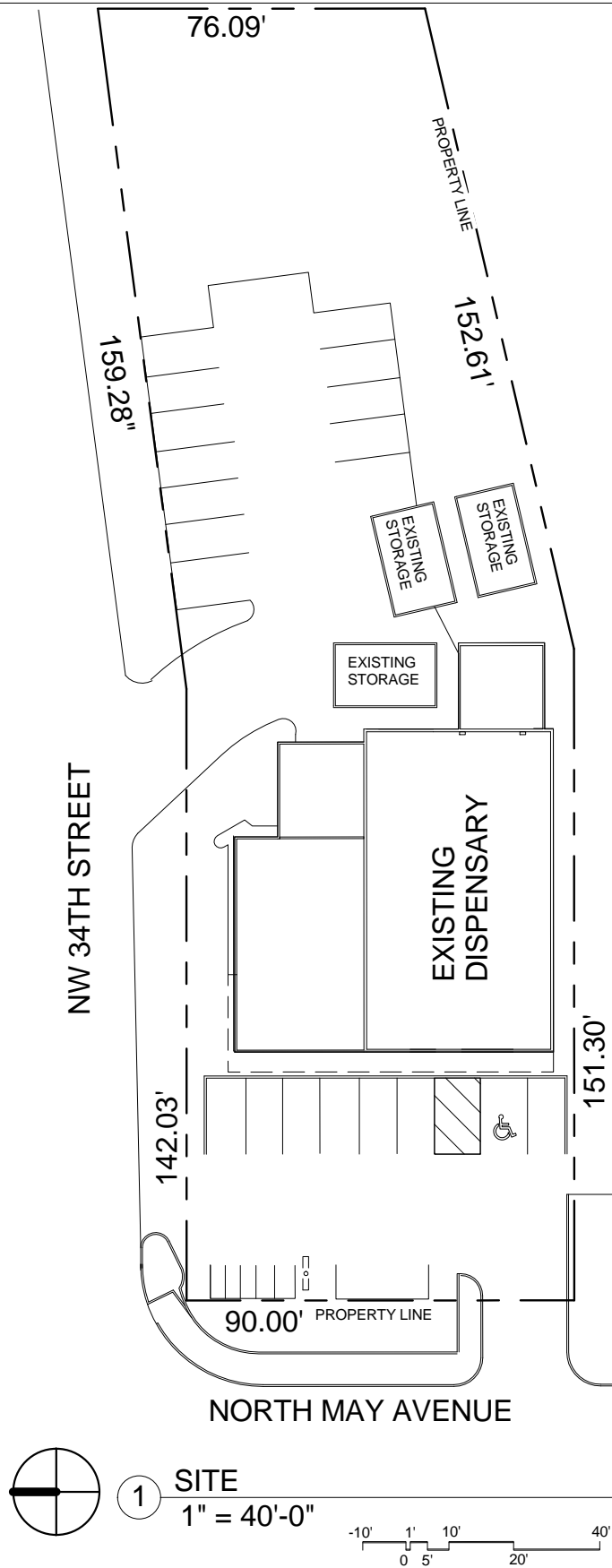


Exhibit B
MASTER DEVELOPMENT SITE PLAN

Case No: SPUD-1682

Applicant: Ahadizadeh Family Trust

Existing Zoning: C-3

Location: 3420 N. May Ave.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200 Feet