



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

Item No. IV. 29.

(SPUD-1736) Application by Mark A Engelmeyer to rezone 1526 North McKinley Avenue from SPUD-829 Simplified Planned Unit Development District to SPUD-1736 Simplified Planned Unit Development District. Ward 6.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name	David Box
Company	Box Law Group, PLLC
Phone	405-652-0099
Email	david@boxlawgroup.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow up to three dwelling units.

D. Existing Conditions

1. Size of Site: 4,450 square feet

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-829	R-2	R-2	R-2	R-2
Land Use	Undeveloped	Residential	Residential	Residential	Residential

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 regulation of the **R-3 Medium Density Residential District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

All uses within the R-3 District shall be permitted on this site.

2. **Maximum Building Height:**

The maximum building height within this SPUD shall be three (3) stories and 35 feet.

3. **Maximum Building Size:**

The maximum building size within this SPUD shall be 8,500 square feet.

4. **Maximum Number of Buildings:**

There shall be a maximum of one (1) building and three (3) attached dwelling units within this SPUD.

5. **Minimum Lot Size**

The minimum lot size within this SPUD shall be 1,300 square feet.

6. **Building Setback Lines**

North:	2 feet
South:	2 feet
East:	3 feet
West:	2 feet

There shall be no internal setbacks within this SPUD.

7. **Sight-Proof Screening:**

Sight-proof screening shall be in accordance with the base zoning district.

8. **Landscaping:**

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

9. **Signs:**

- 9.1 **Freestanding On-Premise Signs**

Freestanding signs will be in accordance with the base zoning district regulations.

- 9.2 **Attached Signs**

Attached signs will be in accordance with the base zoning district regulations.

9.3 Off-Premise Signs

Non-accessory signs will be prohibited.

9.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

10. Access:

Access may be taken from N. McKinley Ave. and NW 15th St.

11. Sidewalks

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, architectural metal, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space:

There shall be a minimum of 10% open space within this SPUD.

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:

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. Garages shall count toward the minimum parking requirement.

7. Maintenance:

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. 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 common areas intended for the use of conveyance of storm water, 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 to meet the requirements specified above.

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: Conceptual 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) 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 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. 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.
10. Each unit must have a separate water meter and connection to the main.

c. Wastewater Availability

1. An existing 6-inch wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
2. Line capacity is not guarantee 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.
8. Each unit must have a separate wastewater connection to the main.
9. Wastewater extension will be required for service.

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.

Location:

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

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested to allow one building, made up of three attached dwelling units. The proposed three units over 0.1 acres would have a density of 30 du/acre.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

The subject site is currently served via multiple curb cuts that span large stretches of North McKinley Avenue and NW 15th Street. The SPUD proposes maintaining access from both streets but does not specify a quantity or location. The conceptual plan for the development illustrates two access points along North McKinley Avenue and one access along NW 15th Street that appear to contemplate garages on the property line, which means garages located along the sidewalk.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are available on the subject site; however, portions are in disrepair. The SPUD requires sidewalks along all streets. The conceptual plan illustrates sidewalks along both street frontages, separated from the building by small portions of green area. However, the proposal also appears to place garage doors along the sidewalk, creating an unfavorable pedestrian experience as cars back up over the sidewalk.

- 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” is a potential compatibility issue 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 SPUD proposes building setback lines of 2 feet on the north (corner side yard), south (side yard), and west (front) and 3 feet on the east (rear). The proposed setbacks on the west (front) are similar, or the same, as adjacent development to the south but extend further north than development to the east along NW 15th Street. Adjacent residences to the south front North McKinley. The maximum building size proposed by the SPUD is 8,500 square feet on the 4,450 square foot parcel. The SPUD proposes a minimum of 10% open space. The maximum building height proposed by the SPUD is 3 stories and 35 feet. The base R-3 District typically requires a maximum height of 2½ stories or 35 feet.*

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 southeast corner of North McKinley Avenue and NW 15th Street, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located just northwest of the site, along NW 16th Street.

6) Other Development Related Policies

- Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. (SU-4)
- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- 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)
- 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)
- Protect the unique character of National Register-listed properties or districts and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character. (E-29)

7) Other Considerations: Historic Resources

The City's comprehensive plan and the adopted historic preservation plan for Oklahoma City, preserveokc, prioritize protecting National Register-listed properties, local historic districts, and the unique character of historic resources. A 1992 Intensive Level Survey of Classen Ten Penn identified a potential historic district. Demolition and incompatible infill development in subsequent years have compromised the integrity of the potentially historic neighborhood, but Classen Ten Penn appears to retain sufficient historic significance and architectural integrity to be considered a potential historic resource (district). *Several nearby properties were built in a time frame ranging from 1917 to 1925. Plan conformance would be strengthened by ensuring new development is compatible with nearby historic development in the Classen Ten Penn Neighborhood.*

b. Plan Conformance Considerations

The subject site is located at the southeast corner of North McKinley Avenue and NW 15th Street. The site was zoned to SPUD-829 (Tract 2) in 2015 to allow up to 8 dwellings on the 0.1-acre parcel, and remains undeveloped. Tract 1 of PUD-829 is located a block north at the southwest corner of NW 16th Street and North McKinley and has been developed with a mixed-use building (Plaza Nutrition/Hank's). All the land surrounding the subject site is zoned R-2. Adjacent properties are developed with

single-family residences, with varying residential products located in the nearby area. The northwest corner of the intersection is currently undeveloped.

The SPUD is requested in order to construct three attached dwelling units in Classen Ten Penn. The proposed three units over 0.1 acre would have a density of 30 du/acre. The proposal to increase density in the Urban Medium LUTA is in conformance with UM density ranges and comprehensive plan goals to provide a mixture of residential housing types and infill development on vacant lots. However, the proposed development triggers compatibility issues related to building scale and site design.

The site is on a corner, but does not have frontage along the alley, and is requesting to use 90% of the site for a 3-story building up to 8,800 square feet on a 4,450 square foot parcel. It was unknown at the time of review what the building design would be, but it appears three front-facing garages will line the sidewalks. Staff routinely requests a 20-foot setback for garages for pedestrian safety and to try and prevent cars from parking over sidewalks. The site's existing zoning appears to accommodate the project except building height, which is limited to 2 ½ stories in SPUD-829 and proposed at 3 stories in the new SPUD-1736. The addition of the half-story may be to accommodate garages for each unit. It was unclear at the time of review what the building design would be, but plan conformance would be strengthened with a site design that did not place garages along sidewalk right-of-way.

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. 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.
2. Garages shall be setback from 20 feet from back of sidewalk.
3. Modify internal setback regulations to say: "There shall be no internal setbacks within this SPUD *except as required by building and fire codes.*"

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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