

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2648

Wednesday, April 17, 2013, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Bates	Tohlen, COT
Dix	Liotta	Fernandez	VanValkenburgh, Legal
Edwards		Huntsinger	
Leighty		Miller	
Midget		White	
Perkins		Wilkerson	
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 15, 2013 at 8:18 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Walker reported that there would be a work session immediately following today's TMAPC meeting to discuss the Eugene Field Small Area Plan.

Director's Report:

Ms. Miller reported on the TMAPC receipts for March 2013.

Ms. Miller reported on the 6th Street Infill Plan and Form-Based Code progress and timeline.

Ms. Miller reported on the BOCC and City Council agendas.

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1. **Minutes:**

Approval of the minutes of March 20, 2013 Meeting No. 2646

On **MOTION** of **SHIVEL** the TMAPC voted 9-0-0 (Covey, Dix, Edwards, Leighty, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; Carnes, Liotta, “absent”) to **APPROVE** the minutes of the meeting of March 20, 2013, Meeting No. 2646.

2. **Minutes:**

Approval of the minutes of April 3, 2013 Meeting No. 2647

On **MOTION** of **SHIVEL** the TMAPC voted 8-0-1 (Covey, Dix, Edwards, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; Leighty “abstaining”; Carnes, Liotta, “absent”) to **APPROVE** the minutes of the meeting of April 3, 2013, Meeting No. 2647.

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Mr. Covey read the opening statement and rules of conduct for the TMAPC meeting.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

3. **LS-20587** (Lot-Split) (CD-7) – Location: Southeast corner of East 91st Street South and South Mingo Road (Related to QuikTrip 0091 plat)
4. **LS-20595** (Lot-Split) (County) – Location: North of the northeast corner of West 171st Street South and South 11th West Avenue (Related to: LC-473 & LC-474)
5. **LC-473** (Lot-Combination) (County) – Location: North of the northeast corner of West 171st Street South and South 11th West Avenue (Related to: LS-20595 & LC-474)
6. **LC-474** (Lot-Combination) (County) – Location: North of the northeast corner of West 171st Street South and South 11th West Avenue (Related to: LC-473 & LS-20595)
7. **LC-476** (Lot-Combination) (CD-5) – Location: Southwest corner of East Skelly Drive and East 41st Street South
8. **LC-477** (Lot-Combination) (CD-2) – Location: East of the southeast corner of West 57th Place South and South 44th West Avenue

9. **LS-20597** (Lot-Split) (CD-3) – Location: Northeast corner of East Easton Street and North Sheridan Road (Related to: LS-20598, LC-478, LC-479)
10. **LS-20598** (Lot-Split) (CD-3) – Location: Northeast corner of East Easton Street and North Sheridan Road (Related to: LS-20597, LC-478, LC-479)
11. **LC-478** (Lot-Combination) (CD-3) – Location: Northeast corner of East Easton Street and North Sheridan Road (Related to: LS-20597, LS-20598, LC-479)
12. **LC-479** (Lot-Combination) (CD-3) – Location: Northeast corner of East Easton Street and North Sheridan Road (Related to: LS-20597, LS-20598, LC-478)
13. **Partial Vacation of Plat and Partial Termination of Deed of Dedication and Restrictive Covenants Harvard Square South Addition** – Location: Southeast corner of East 41st Street South and South Harvard Avenue, (CD-9)

Item 13 has been removed from the consent agenda.

14. **PUD-186-A-1 – Gable Gotwals/Stephen Schuller**, Location: Northeast corner of South Memorial Drive at East 71st Street South, Requesting a **Minor Amendment** to the required 65-foot building setback line, **CS/PUD-186-A** (CD-7)

STAFF RECOMMENDATION:

Concept Statement:

An existing building encroaches into the building setback line. The building has been in place for approximately 30 years. The original PUD and platted building setback line on the lot was 25 feet and was amended to 65 feet after the building was constructed and effectively placed the building across the minimum required setback line. The purpose of this amendment is to correct that mistake.

Minor Amendment Summary:

Reduce the building setback line along the west line of Northeast corner of South Memorial Drive at East 71st Street South, part of Lot-3 Block-5 Woodland Hills Mall, Blocks 2, 3, 4 and 5 an addition to the City of Tulsa from 65 feet to 56 feet.

Staff Recommendation:

Staff has reviewed the request in detail and we have determined that this request does not substantially alter the original character of the PUD or its subsequent amendments.

The requested minor amendment will not result in incompatibility with the present and anticipated future use of the proximate properties.

Therefore staff recommends **APPROVAL** of the minor amendment request PUD-186-B-1 as outlined in the Minor Amendment Summary above.

Mr. Leighty requested Item 13 to be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to **APPROVE** the consent agenda Items 3 through 12 and 14 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

13. Partial Vacation of Plat and Partial Termination of Deed of Dedication and Restrictive Covenants Harvard Square South Addition – Location: Southeast corner of East 41st Street South and South Harvard Avenue, (CD-9)

TMAPC COMMENTS:

Mr. Leighty stated that the reason he requested this item to be removed from the consent agenda is because the Planning Commission already approved a new plat and wouldn't it be the other way around to vacate the old plat. Mrs. Fernandez stated that the new plat is overlaid on the old plat and then the condition of the new plat is to take away the existing plat and do away with all of the old easements. Mr. Leighty asked what is achieved by doing this. Mrs. Fernandez stated that under the old plat there may be some covenants that might pertain to a situation that is no longer the case. The new plat has new ownership and new property owner's association and possibly new easements.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to **APPROVE** the partial vacation of plat and partial termination of deed of dedication and restrictive covenants for Harvard Square Addition per staff recommendation.

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PUBLIC HEARINGS:

15. **QuikTrip 0091** – Preliminary Plat, Location: Southeast corner of East 91st Street and South Mingo Road (8419) (CD-7)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on two acres.

The following issues were discussed April 4, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping). A lot-split is also being processed for the site (LS-20587) simultaneously.
2. **Streets:** Rededicate the existing right-of-way with the statutory right-of-way along Mingo and 91st Street. Include the corner clip in the dedication. Also include the 68.13 feet x 25.25-foot roadway right-of-way dedicated "To the City of Tulsa" by separate instrument. Then remove the references to the statutory and previously dedicated right-of-ways. Add standard language for street and easement dedication.
3. **Sewer:** Provide a 17.5-foot perimeter easement along the north and west boundary, including the corner cut at the northwest corner of the project. Increase the proposed off-site sanitary sewer easement (SS/E) located at the southeast corner of the plat, by five feet in each direction. We would prefer vacation of the existing general utility easement. The proposed sanitary sewer main is not in the standard location. This is okay with the City, but the location needs to be approved by the TAC committee before the IDP (infrastructure development plan) plans can be approved. The site lighting proposed along the south boundary is too close to the sanitary sewer line and needs to be moved out of the easement. The off-site sewer line at the southeast corner of the development must extend 15 feet past the property line, and the separate instrument easement must be a minimum of 15 feet wide x 20 feet long. Sewer is not in standard area so utilities need to agree to the location.

4. **Water:** No comments.
5. **Storm Drainage:** Detention pond must be placed in a detention easement. There will be an underground detention facility.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** The proposed utility easements from the applicant including the north and west utility easements were acceptable.
7. **Other: Fire:** No comments.

GIS: Show and label the creek turn pike on the location map. Submit a subdivision control data form.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works staff and Development Services staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Steve Schuller, 1100 Oneok Plaza, 100 West 5th Street, 74103-4217, representing QuikTrip Corporation, stated that there is a utility easement of record along Mingo and 91st Street frontage that is an old one, which is not suitable for the City of Tulsa's purposes. There will be an application filed to close that easement and add to the dedication a utility dedication along Mingo and 91st Street frontage and it will be 15 feet along 91st Street and 17 feet along Mingo Road.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **PERKINS**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to **APPROVE** the QuikTrip 0091 Preliminary Plat per staff recommendation, subject to special conditions and standard conditions.

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16. **PUD—571-4 – Roy Johnsen**, Location: East of northeast corner of South Memorial Drive and East 81st Street South, Requesting a **Minor Amendment** to update the landscape and screening requirements to supplement the request for outdoor storage, (CD-7) (Continued from 2/6/13, 2/20/13, 3/6/13 and 3/20/13)

STAFF RECOMMENDATION:

Concept Statement:

The concept is to reduce the required green space defined in the PUD and add significant trees to the area. Additionally a masonry and ornamental iron fence separating the multifamily site and mini storage will be required to allow outdoor storage on the north 25 feet of PUD 571. The original PUD 571 did not provide adequate detail for site design considerations. The purpose of the amendment is to update the landscape and screening requirements to supplement the request for outdoor storage.

Minor Amendment Summary:

1. Minor Amendment to modify the required landscaped area from 10% to 3.5% in Development Area C. To compensate for the reduction in landscape area a cooperative agreement between this site and the north property owner includes a landscape buffer and screening fencing. The properties will be landscaped as shown on the conceptual landscape plan attached with approximately 30 trees along the north property line and 20 trees along the east property line.
2. Minor Amendment to specify the type of screening fence along the north property line. The north boundary shall have a minimum 6' tall masonry fence with additional 3 feet of fencing with a wrought iron appearance added to the top of the wall.
3. Minor amendment to allow outdoor storage on the north 25 feet of the PUD. allowing outdoor storage along the north boundary of the site with restrictions regarding what type of outdoor storage would be allowed as follows:
 - a. Fully operational and well maintained vehicles including watercraft, campers, and work trailers are allowed. The general intent is to allow temporary outdoor storage for vehicles and trailers.
 - b. No outdoor storage of any debris of any kind is allowed.

Staff Recommendation:

The amendment request to reduce the landscaped area from 10% to 3.5% would reduce the required landscaped area below the minimum allowed in

the Bulk and Area Requirements defined in the PUD chapter of the Zoning Code. Minimum landscaped area in a Commercial Use is limited to 10% in PUD Chapter 1104.E.2 of the Tulsa Zoning Code.

The original PUD did not define the screening requirements beyond the screening fence requirement defined in Section 1216.C.1 of the Tulsa Zoning Code where a six-foot screening fence is required between the mini storage use and the Multi Family Use North of the Site. An existing six-foot masonry fence along the north boundary of the PUD will remain in place with an ornamental iron fence added to the top of the fence for added security.

Staff supports the reduction of the landscape area because of a cooperative agreement between both property owners for a landscape buffer including decorative and screening fencing. The original PUD did not define any details other than a grassy area. This option considers a significant tree planting plan to compensate for a reduction of grass.

Among several primary purposes of a Planned Unit Development as defined in Section 1101.A is to “Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties”.

Therefore staff recommends **APPROVAL** of the minor amendments outlined above.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Wilkerson stated that the outdoor storage was not a part of the original PUD. Mr. Wilkerson further stated that there was some green space required, but there was no definition of what it was to be. The applicant would like to clean this up and be in conformance with the PUD.

Mr. Leighty asked if there has been any feedback from the neighboring property owners. In response, Mr. Wilkerson answered negatively.

Mr. Covey asked Mr. Wilkerson if anything would be taken away or would it appear as it is shown on the map. Mr. Wilkerson stated that nothing will be taken away. Mr. Wilkerson pointed out that there is an existing masonry fence and the applicant is proposing to leave the fence in place and add ornamental iron caps to the top to look nicer.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing South Tulsa Storage, LLC, stated that the mini-storage was experiencing a lot of theft and the police department suggested they install razor wire. The Apartment Complex didn't like the look of the razor wire and came together with the applicant to agree on some landscaping to make it more compatible.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Johnsen stated that the applicant agreed to put the trees in for landscaping on the north and east boundary which is nearest to the apartments to soften the masonry screening wall. Mr. Johnsen further explained that there will be three feet of wrought iron installed on top of the six-foot masonry wall and will be difficult to climb over and should prevent vandalism.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to **APPROVE** the minor amendment for PUD-571-4 per staff recommendation.

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- 17. **Z-7222 – Nathan S. Cross**, Location: West of northwest corner of East 21st Street and South 177th East Avenue, Requesting a rezoning from **AG to OL**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6801 February 2001: All concurred in approval of a request for rezoning an 11± acre tract of land from AG to RE for residential use, on property located west of northwest corner of East 21st Street and South 177th East Avenue and west of subject property.

Z-6736 January 2000: All concurred in approval of a request to rezone a 10± acre tract from RS-1 to AG for residential, on property located north of the northwest corner of East 21st Street and South 177th East Avenue.

Z-6530 May 1996: All concurred in approval of a request to rezone an 11± acre tract from RS-1 to AG for residential, on property located north of the northwest corner of East 21st Street and South 177th East Avenue.

Z-6519 January 1996: All concurred in approval of a request to rezone 20± acres from RS-1 to AG for residential, on property located north of the northwest corner of East 21st Street and South 177th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.4± acres in size and is located west of northwest corner of East 21st Street and South 177th East Avenue. The property appears to be used as a home occupation and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by a manufactured home single family residential property, zoned AG; on the north by vacant land, zoned AG; on the south by Carl Smith Sports Complex, zoned AG; and on the west by vacant land, zoned AG.

UTILITIES: The subject tract has municipal water and no sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates East 21st Street as a primary arterial multi-modal street.

Multi Modal Streets:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Staff Comment: The long term vision for the street in this area is years away from implementation. There is no foreseeable street improvement that would affect this development.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 21 st Street	Primary Arterial	120	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Category:

Mixed Use Corridor

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

Staff Comment: The zoning request is at the west end of the mixed used corridor area. The OL request is consistent with the concept that development intensities should step down to integrate with single family neighborhoods anticipated in the area. The site is an existing building which has been converted from a chapel to an Insulation company. Future development of this site should consider all the components of the City of Tulsa Comprehensive Plan in this area including the pedestrian realm and connection opportunities to the Carl Smith Sports Complex south of East 21st Street. Additional long term considerations should include street trees, medians, and storefronts along a sidewalk and include parking on the sides and rear of the lot.

Growth and Stability Map:

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where a general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase

economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: This re-zoning request creates an employment opportunity and will continue to channel growth to this area.

STAFF RECOMMENDATION:

Staff finds the uses and intensities of the proposed rezoning request from AG to OL to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from AG to OL:

Applicant's Comments:

Nathan S. Cross, 502 West 6th Street, 74103, stated that he is not doing anything different than what is already in the subject area. There will be no additional construction of buildings. Mr. Cross further stated that he expects the traffic to be the same as it has been when it was a wedding chapel. This will be an office for an insulation company, but their manufacturing facility is located in a different part of town.

Mr. Leighty asked Mr. Cross why he needed the entire parcel rezoned. In response, Mr. Cross stated that the proposed use is not an acceptable use for an AG parcel. Mr. Cross explained that he wants to make sure he is complying with the Zoning Code.

INTERESTED PARTIES COMMENTS:

Mike Roe, 11424 East 20th, 74128, stated that he owns the property east of the subject property. The surrounding properties have ten or more acres for residential and agricultural use. He would prefer that the applicant asks for an exception from the Board of Adjustment to allow for an office rather than rezoning the entire five acres. The subject area is quiet and very little traffic. Granting a special exception for an office would be one thing, but rezoning the entire property is not conducive with the rest of the subject area.

Applicant’s Rebuttal:

Mr. Cross indicated his agreement with staff’s recommendation. Mr. Cross stated that the subject property is on the west edge of an area that is slated in the Comprehensive Plan for a different type of use than what’s existing today.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to recommend **APPROVAL** of the OL zoning for Z-7222 per staff recommendation.

Legal Description for Z-7222:

A tract of land in the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section 11, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of said Section 11; thence South 89°22’27” West along the South line of said section a distance of 441.00 feet; thence North 0°51’58” West a distance of 592.68 feet; thence South 89°22’27” East a distance of 441.00 feet; thence South 0°52’13” East along the East line of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) a distance of 592.68 feet to the point of beginning.

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- 18. **Z-7223 – Sisemore, Weisz & Assoc. Inc./Darin Akerman**, Location: East of the northeast corner of North Mingo Road and East Pine Street North, Requesting a rezoning from **CS to IL**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

BOA-11633 October 1, 1981: The Board of Adjustment approved a Special Exception to permit automotive and allied activities in a CS district, (automotive repair), subject to: All work be done on the interior of building, no outside storage permitted, no body work be performed on the premises, and all work to be performed will be minor tune-ups and detailing (repair), on property located at 1515 North Mingo Road and is a part of the subject property.

BOA-8194 February 21, 1974: The Board of Adjustment approved a Special Exception to permit a car wash, Use Unit 17, in a CS district, on property located at 1515 North Mingo Road and is a part of the subject property.

Surrounding Property:

Z-7199 May 2012: All concurred in approval of a request for rezoning a 3± acre tract of land from CS to IL for future industrial use, on property located east of northeast corner of North Mingo Road and East Pine Street, abutting east of subject property.

Z-7127 May 2009: All concurred in approval of a request for rezoning a 5.89± acre tract of land from AG to IL for light manufacturing on property located, south of southeast corner East Pine Street and North Mingo Road and south of subject property.

Z-6998 September 2005: All concurred in approval of a request for rezoning a 38.03± acre tract of land from RM-2 to IL for light industrial park use, on property located south and west of southwest corner of East Pine Street North and Highway 169 North and southeast of subject property.

Z-6946 July 2004: All concurred in approval of a request for rezoning a 5± acre tract of land from OL to IL for light manufacturing and warehouse use, on property located east of northeast corner of East Pine Street and North Mingo Road and west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located east of northeast corner of North Mingo Road and East Pine Street North. The property appears to be undeveloped and is zoned CS.

SURROUNDING AREA: The subject tract is abutted on the east by a manufacturing facility, zoned IL; on the north by a manufacturing facility, zoned IL; on the south across East Pine Street vacant property is, zoned

AG; and on the west across North Mingo Road by a convenience store and vacant property, zoned IL.

UTILITIES: The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates East Pine Street as a Multi Modal Street. North Mingo Road not covered with a special designation in this area.

Multi Modal Streets:

Multi-modal streets (East Pine Street) emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multi-modal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Staff Comment: The long term vision for the public street system in this area is years away from full implementation as considered in the Tulsa Comprehensive Plan. There is no foreseeable street improvement that would affect this re-zoning request however private components of future site development such as:

- 1) Providing pedestrian and bicyclist connection opportunities to the Neighborhood Center south of East Pine Street*
- 2) Providing attractive street yards and consolidated-shared parking for all forms of transportation.*

Multi Use Trail:

A north-south multi use trail is planned east of the site. Consideration for trail improvements, easements or right-of-way should be part of any future development in the area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Pine Street	Secondary Arterial	100 feet	4+
North Mingo Road	Secondary Arterial	100 feet	4+

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Employment Area:

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: This rezoning request is completely supported by the City of Tulsa Comprehensive Plan. There is no adjoining residential area that will be affected by the use or design details.

Growth and Stability Map:

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where a general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the

opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: This re-zoning request creates an employment opportunity and will continue to channel growth to this area. This zoning request is exactly what the Tulsa Comprehensive Plan visualized for this area.

STAFF RECOMMENDATION:

Staff finds the uses and intensities of the proposed rezoning request from CS (Commercial Shopping) to IL (Industrial Light) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from CS to IL.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to recommend **APPROVAL** of the IL zoning for Z-7223 per staff recommendation.

Legal Description for Z-7223:

A TRACT OF LAND THAT IS PART GOVERNMENT LOT FOUR (4) OF SECTION THIRTY (30), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 4; THENCE NORTH 88°45'22" EAST ALONG THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 4 FOR 80.00 FEET; THENCE NORTH 01°14'50" WEST PARALLEL WITH AND 80.00 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO

THE WESTERLY LINE OF SAID GOVERNMENT LOT 4 FOR 40.00 TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°14'50" WEST PARALLEL WITH SAID WESTERLY LINE FOR 290.07 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER (S/2 SW/4) OF SAID GOVERNMENT LOT 4; THENCE NORTH 88°46'32" EAST ALONG SAID NORTHERLY LINE FOR 193.00 FEET; THENCE SOUTH 01°14'50" EAST PARALLEL WITH SAID WESTERLY LINE FOR 125.00 FEET; THENCE SOUTH 88°45'22" WEST PARALLEL WITH SAID SOUTHERLY LINE FOR 70.00 FEET; THENCE SOUTH 01°14'50" EAST PARALLEL WITH SAID WESTERLY LINE FOR 165.00 FEET; THENCE SOUTH 88°45'22" WEST PARALLEL WITH SAID SOUTHERLY LINE FOR 123.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINS 44,426 SQUARE FEET OR 1.020 ACRES, MORE OR LESS.

* * * * *

19. **Z-7224 – Wallace Engineering/Jim Beach**, Location: Southeast corner of North Xenophon Avenue and West Easton Street, Requesting a rezoning from **RS-3 to RM-2/CS**, (CD-4) (Related to PUD-795)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-10865 January 24, 1980: The Board of Adjustment approved a Special Exception to use a portion of Pershing School for a Community Center for the Salvation Army, subject to erection of signs to direct persons to the parking area, to run with this applicant only, on property located at the southeast corner or North Xenophon and West Easton Street and is the subject property.

BOA-10730 October 11, 1979: The Board of Adjustment approved a Special Exception to use the property for a Head Start Program, for children ages three to five years, on property located at the Southeast corner or North Xenophon and West Easton Street and is the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2+ acres in size and is located Southeast corner or North Xenophon and West Easton Street. The property appears to be a vacant school and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted by single family residential in all directions and is all zoned RS-3.

UTILITIES: The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates all the surrounding streets as residential streets. No trail system is defined in the immediate area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Easton Place	Residential	60	2
North Xenophon Avenue	Residential	60	2
West Easton Street (with Median)	Residential	60	2
North Waco Avenue	Residential	60	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Existing Residential Neighborhoods

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Staff Comment: The Comprehensive Plan does not specifically identify adaptive re-use of an abandoned school as a goal. However the Tulsa Comprehensive Plan is very strong on rehabilitation and small scale infill projects in existing residential areas. Appropriate infill projects with a Planned Unit Development overlay including strong standards is an adaptive re-use that can add vitality to an existing neighborhood. This is the first school re-use in a residential neighborhood and the Planned Unit Development Standards are provided to protect and enhance the existing neighborhood.

STAFF RECOMMENDATION:

This zoning request for CS and RM-2 is only appropriate as a base zoning designation for the Pershing School redevelopment. Otherwise both of

the zoning designations would be considered spot zoning and an inappropriate use for the surrounding neighborhood.

Staff finds that the uses and intensities of the proposed rezoning request from RS-3 to RM-2 and CS can only be an acceptable zoning pattern in this neighborhood with a Planned Unit Development overlay. In conjunction with the Planned Unit Development overlay staff finds that this zoning request is:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3 to RM-2 and CS

ITEMS 19 AND 20 ARE RELATED:

20. **PUD-795 – Wallace Engineering/Jim Beach**, Location: Southeast corner of North Xenophon Avenue and West Easton Street, Requesting a **PUD** for reuse of existing school site, **RS-3 to RM-2/CS/PUD**, (CD-4) (Related to Z-7224)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-10865 January 24, 1980: The Board of Adjustment approved a Special Exception to use a portion of Pershing School for a Community Center for the Salvation Army, subject to erection of signs to direct persons to the parking area, to run with this applicant only, on property located at the southeast corner of North Xenophon and West Easton Street and is the subject property.

BOA-10730 October 11, 1979: The Board of Adjustment approved a Special Exception to use the property for a Head Start Program, for children ages three to five years, on property located at the Southeast corner of North Xenophon and West Easton Street and is the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2+ acres in size and is located Southeast corner of North Xenophon and West Easton Street. The property is the original Pershing School site which was originally constructed in 1918 and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted by single family residential in all directions and is all zoned RS-3.

UTILITIES: The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates all the surrounding streets as residential streets. No trail system is defined in the immediate area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Easton Place	Residential	60	2
North Xenophon Avenue	Residential	60	2
West Easton Street (with Median)	Residential	60	2
North Waco Avenue	Residential	60	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Existing Residential Neighborhoods

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Staff Comment: The Comprehensive Plan does not specifically identify adaptive re-use of an abandoned school as a goal. However the Tulsa Comprehensive Plan is very strong on rehabilitation and small scale infill projects in existing residential areas. Appropriate infill projects with a Planned Unit Development overlay with strong standards is an adaptive re-use that can add vitality to an existing neighborhood. This is the first re-use in a residential neighborhood and the Planned Unit Development Standards are provided to protect and enhance the neighborhood.

STAFF SUMMARY FOR PUD:

I: Concept statement:

Planned Unit Development No. 795 (hereinafter "PUD 795") and Rezoning Case No. Z-7224 (hereinafter "rezoning" or "Z-7224") comprises 3.01 gross acres (hereinafter the "Property") covering a full block located between West Easton Street and West Easton Place, North Waco Avenue and North Xenophon Avenue.

Pershing Elementary School opened in the original portion of the existing building in 1918. There have been additions and remodels over the years, the latest of which was the extension on the west side in 1968 for the cafeteria and administrative offices. The school was closed the first time in 1979 but was later used to house various alternative education programs. Tulsa Public Schools declared the site surplus and has struggled to find uses for about 15 of its shuttered school buildings since 2011. Pershing was one of a half-dozen facilities that attracted little interest when offered for public bids.

In January 2013 the school board contracted with a broker to market Pershing School. The property was offered for sale and a resident of the neighborhood along with three Downtown Tulsa business leaders stepped forward to buy the site. The team members are an experienced development team and are interested in neighborhood re-development and preserving significant architectural landmarks.

Their intent is to revitalize the historic building and turn the classrooms into moderately priced apartments and/or live-work studios. The existing gymnasium will become a common space for small events. The existing kitchen will become a community or catering kitchen available to serve the needs of small caterers and could easily be used to operate community culinary classes.

The architecture will be retained as much as possible in its original state. The bulk of the work will be to convert classrooms to apartments that will mostly remain open to allow maximum flexibility in arranging living spaces with studio work spaces. The existing loading dock will be preserved and used to service the kitchen. The existing parking lot will be enhanced with landscaping and will include outdoor common patio spaces.

The City of Tulsa's Comprehensive Plan designates Owen Park Neighborhood as an "Existing Neighborhood" while at the same time placing it in an "Area of Growth". This combined designation indicates a strong basis of support for a project of this type. The proposed project sets a strong example of how to creatively reuse a wonderful historic neighborhood facility.

The entire site is zoned RS-3. To accommodate the desired uses, most of the site will be rezoned to RM-2, with enough of a portion rezoned to CS to accommodate the catering kitchen. PUD 795 is intended to establish a conceptual site plan with allocation and intensity of uses, and development standards and conditions, to be followed by detailed site plan review of each phase of development.

Reusing a great old building in a positive and creative way can very often serve as a catalyst for increased neighborhood vitality. When completed, this project has great potential to turn a site with many fond memories for neighborhood residents from an abandoned liability into a unique and vibrant asset.

II: Development Standards:

A. Mixed Use Intensity Standards:

1. Multifamily Use

Maximum Dwelling Units Proposed: 32 Dwelling Units

2. Community Center Use

Maximum Floor Area Proposed: 7,500 Square Feet

3. Catering Kitchen Use

Maximum Floor Area Proposed: 2,500 Square Feet

B. Land Uses, Bulk and Area Requirements

1. Net Land Area: 90,000 SF (2.07 acres)

2. Proposed Zoning:

RM-2 Residential Multifamily Medium Density District (1.91 ac)
CS - Commercial Shopping Center District (0.16 ac)

3. Permitted Uses:

Only those uses included within: **Use Unit 5**, Community Services and Similar Uses; **Use Unit 8**, Multifamily Dwelling and Similar Uses; **Use Unit 10**, Off-Street Parking Areas; **Use Unit 11**, Offices, Studios, & Support Services; **Use Unit 14**, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

Maximum Floor Area of Non-Residential Uses 10,000 SF

Maximum Dwelling Units 32

Minimum Livability Space per Dwelling Unit: 200 SF per DU

4. Minimum Building Setbacks:

From North Xenophon Centerline	55 Feet
From North Waco Avenue Centerline	55 feet
From West Easton Street Centerline	60 Feet
From West Easton Place Centerline	55 feet

5. Maximum Building Height: 35 Feet

Off-street Parking Spaces Provided:	57 total spaces (54 standards, 3 accessible)
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III. General Provisions and Development Standards

A. Landscaping & Buffering

Trees will be planted and/or preserved around the perimeter of the site in keeping with the spirit of the perimeter landscape requirements of the Tulsa Zoning Code. In order to provide appropriate space for the trees to thrive, trees will be located either in the existing lawn/landscape areas between the building and the public sidewalks along the surrounding streets, or between the public sidewalks and the street curbs.

Substantial landscape areas will be created and maintained in the existing parking lot, with special emphasis on the north perimeter and the center of the paved area. Trees and shrubs will be planted throughout these landscape areas with a goal of softening the harshness of the paving and providing a buffer against the properties across West Easton Place to the north.

Landscaping will be designed substantially in accordance with "Exhibit A - Conceptual Site Plan" and will be subject to final approval in a Detailed Landscape Plan submitted to the Tulsa Metropolitan Area Planning Commission before issuance of a building permit.

B. Trash, Mechanical and Equipment Area Screening

All trash, recycling, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level, provided however, that one side of the screening of a trash receptacle area may be open to permit access and gating shall not be required.

A screening wall, fence or "vegetated green wall" will be erected around the existing loading dock area, and will be subject to final approval in the Detailed Site Plan submitted to the Tulsa Metropolitan Area Planning Commission before issuance of a building permit.

C. Lighting

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be

designed so that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 25 feet in height, provided that within the north 50 ft. of the Property, no light standard shall exceed 18 feet in height.

D. Signage

Project identification signage will be limited to monument signs placed near the southeast, southwest and northeast corners of the site. Individual monument signs will not exceed five feet in height, 100 square feet in display surface area and will be illuminated by external ground mounted fixtures or fixtures mounted externally on the sign structure and will be a constant light.

In addition to the historical carved wall signs, additional new wall signs will be limited to flush facing signs or small projecting signs for the purposes of identifying entrances or significant architectural characteristics of the building. Flush wall signs and projecting signs shall be limited to an aggregate of two square feet of display surface are per linear foot of building wall to which the signs are affixed.

Wall signs or blade signs added to the building will only be permitted on the interior courtyard wall surfaces.

E. Access and Pedestrian Circulation

Access to the interior of the site will be derived from North Waco Avenue. Service access to the Kitchen will be from West Easton Place to the existing loading dock area.

Sidewalks will be provided, if not currently existing, along all four sides of the property. Additional internal pedestrian circulation will be subject to detail site plan review.

STAFF RECOMMENDATION FOR PUD:

This Planned Unit Development request for multifamily and commercial kitchen use is only appropriate as an adaptive re-use of the Pershing School site. The goal is to preserve the historic building and to provide alternative life style choices inside this neighborhood. Without strong standards identified in the Planned Unit Development this would be considered spot zoning and an inappropriate use for the surrounding neighborhood.

Staff finds that the uses and intensities of the proposed Planned Unit Development can only be an acceptable in this neighborhood with a Planned Unit Development where a historic school site can

be re-used in a neighborhood setting. Staff finds that this request is:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of PUD-795 as outlined in the staff summary above.

TMAPC COMMENTS:

Mr. Walker stated that one could argue that this is CS in the middle of residential and asked staff if they have received any opposition regarding this application. Mr. Wilkerson stated that he is glad that the neighbors are present today, but there haven't been any emails or phone calls that he is aware of.

Mr. Leighty asked if the Use Units could be limited to allow the commercial kitchen to serve the residents and the occupants and possibly their occasional guests. Mr. Leighty stated that to allow a restaurant or food outlet would be inappropriate in his view. Mr. Wilkerson stated that the staff recommendation states what the purposes of the commercial kitchen is for. Mr. Leighty suggested prohibiting carry-out and drive-through. Mr. Wilkerson stated that he thought the staff recommendation was preventing this by stating that it is for catering use only, but the language can be improved if needed.

In response to Mr. Dix, Mr. Midget stated that he believes it would be best if the Planning Commission considered this as it is presented, which is a mixed-use development and don't even use the word "Form-Based Code".

Mr. Edwards stated that he agrees with Mr. Leighty that there needs to be more language to make sure that there is no commercial use. This is a well established neighborhood and should be protected.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74103, stated that the CS portion of the subject property is just enough to allow the kitchen and there absolutely will not be a restaurant or any public food service in the sense of drive-through restaurants or take-out. The kitchen already exists and is located in the northwest wing of the subject property. The amount of floor area being allowed for the kitchen use is limited to that kitchen and the small room to the south and east of the kitchen to allow for access. The kitchen will be to serve one-time caterers and for

caterers who don't have their own kitchens. The kitchen would be leased out to them to prepare for an event and then drive away. There will be food trucks that might come in and prepare food for the day and then leave. The access into the site will be controlled with gates, which will also prevent restaurant use because the public wouldn't be able to access it.

Mr. Beach stated that the project will consist of 32 dwelling units, which are thought of as moderate-priced small dwelling units that will be fairly Spartan in design and layout to accommodate artists and craftsmen who may come in and operate their craft out of that space. The gymnasium and its current amenities are being reserved to use as a community gathering space, such as Owen Park Neighborhood meetings, etc.

Mr. Beach indicated that the signage will be low-keyed and positioned on the southwest and southeast corners. The signage will be small monument signs. The desires are to not detract from the architecture of the building, but enhance where possible. Mr. Beach stated that the subject property will look as it does today, except cleaned up.

TMAPC COMMENTS:

Mr. Midget stated that he is excited about the prospect of this development. Mr. Midget asked Mr. Beach if he would be opposed to limiting the kitchen only to what has been described.

Tom Wallace, Wallace Engineering, 200 East Brady Street, 74103, stated that the kitchen was originally built to support the elementary school and is not viable to be a restaurant. He further stated that it would be used as a catering kitchen where food would be prepared, packed up and delivered to another location.

Mr. Midget stated that he is supportive, but would like to see the language for the kitchen use tightened up.

INTERESTED PARTIES COMMENTS:

Roxanne Snider, 1424 West Easton Place, 74127, stated that she is in support of this application. She further stated that it would complement the Children's Museum that is in the subject area.

Mr. Midget out at 2:25 p.m.

Glenda Smedley, 2035 West Easton Place, 74127, stated that she has lived in the subject area for 64 years and does not want commercial in the residential area. Ms. Smedley expressed concern that there wouldn't be enough parking onsite and vehicles would park into the neighborhood.

Ms. Smedley commented that she feared this may become a half-way house.

Applicant's Rebuttal:

Mr. Wallace stated that there is no intention of putting in a half-way house. Mr. Wallace pointed out that there will be 32 units and there are 57 parking spaces.

TMAPC COMMENTS:

Mr. Edwards asked the applicant if they visited with the residents and the Homeowners Association. Mr. Wallace indicated that they did have meetings and everyone seemed to be in support of the proposal.

Mr. Leighty stated that there shouldn't be any drive-through service or take-out service allowed.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget, "absent") to recommend **APPROVAL** of RM-2/CS zoning for Z-7224 per staff recommendation.

Legal Description for Z-7224:

ALL OF BLOCK 11, LESS THE SOUTH 10 FEET OF LOTS 7 THROUGH 12, BLOCK 11, IRVING PLACE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Mr. Midget in at 2:38 p.m.

Mr. Leighty moved to approve PUD-795 and limit the kitchen to catering only. Motion was seconded.

After a lengthy discussion Mr. Leighty withdrew his motion and seconded was withdrawn.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to recommend **APPROVAL** PUD-795 per staff recommendation, subject to the exception of **II: Development Standards B.3. Permitted Uses, Use Unit 14**, the catering kitchen of 2500 square feet limited to being used only for catering use as amended by the Planning Commission.

Legal Description for PUD-795:

ALL OF BLOCK 11, LESS THE SOUTH 10 FEET OF LOTS 7 THROUGH 12, BLOCK 11, IRVING PLACE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

OTHER BUSINESS

21. Commissioners' Comments: None.

There being no further business, the Chair declared the meeting adjourned at 2:47 p.m.

Date Approved:

5-1-13



Chairman

ATTEST:


Secretary