

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2653

Wednesday, July 10, 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
Edwards	Dix	Fernandez	VanValkenburgh, Legal
Liotta	Leighty	Huntsinger	
Midget	Shivel	Miller	
Perkins		White	
Stirling		Wilkerson	
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, July 3, 2013 at 10:10 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:

Director's Report:

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

1. Minutes:

Approval of the minutes of June 19, 2013 Meeting No. 2652

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Covey, Edwards Liotta, Perkins, Stirling, Walker “aye”; no “nays”; none “abstaining”; Carnes, Dix, Leighty, Midget, Shivel “absent”) to **APPROVE** the minutes of the meeting of June 19, 2013, Meeting No. 2652.

Mr. Midget in at 1:35 p.m.

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.

2. **LC-505** (Lot-Combination) (CD-2) – Location: Southwest corner of East 64th Street South and South Harvard Avenue
3. **LC-506** (Lot-Combination) (CD-4) – Location: Northwest corner of East 2nd Street South and South Detroit Avenue
4. **LS-20619** (Lot-Split) (CD-8) – Location: West of the southwest corner of East 71st Street South and South Memorial Drive (related to PUD-196-4)
5. **CBOA-2474** – Plat Waiver, Location: 4500 West 21st Street, (9216) (County)

STAFF RECOMMENDATION:

The platting requirement is being triggered by CBOA-2474 which proposes a seasonal stand in an IM zoning District.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2, Subsection 1202.B) such as fireworks stands. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for CBOA-2474 per Board of Adjustment approval.

6. **PUD-196-4 – Sisemore Weisz & Assoc., Inc./Darin Akerman**, Location: Southwest of southwest corner of East 71st Street and South Memorial Drive, Requesting a **Minor Amendment** to reallocate allowable floor area within PUD-196 Development Area "C2", and establishment of two separate subareas within PUD-196 Development Area "C2", (CD-8)

STAFF RECOMMENDATION:

Concept Statement:

Previously Tract C2 consisted of a portion of Lot 1, Block 1, Raphael Plaza. This request is to facilitate a Lot-Split and create two sub areas of the existing Development Area C2. The PUD Minor Amendment request is for the reallocation of allowable floor area within PUD-196 Development Area "C2", and establishment of two separate subareas within PUD-196 Development Area "C2".

Minor Amendment Summary:

1. Maximum Floor Area allocation (Lot C2 floor area maximum is 11,500 square feet) The allocation of the floor area for the lot split is defined below:
 - a. Lot C2-A 3,500 square feet
 - b. Lot C2-B 8,000 square feet

Staff Recommendation:

The amendment request to allocate the floor area defined in the PUD Chapter of the Zoning Code as related to lot-splits is allowed as minor amendment in Section 1107.H.9 of the Tulsa Zoning Code.

Staff supports the allocation of the floor area calculated as a prorated share of the allowable floor area for the remaining lots.

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

7. **PUD-390-A-1 – Claude Neon Federal Signs**, Location: Northeast corner of East 61st Street South and South 89th East Avenue, Requesting a **Minor Amendment** to increase the allowable display surface area of a business identification sign from 40 SF to 60 SF (Section 602.B.4.C) and allow for lighting movement for the proposed digital message center (Section 602.B.4.F), (CD-7)

STAFF RECOMMENDATION:

Removed from the consent agenda.

8. **Z-4900-SP-7a – Jack Wright**, Location: Northeast corner of East 73rd Street and South Mingo Road, Requesting a **Minor Amendment** to allow automotive sales to accommodate the auto restoration operation (Use Unit 17), (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow automotive sales to accommodate the auto restoration operation (Use Unit 17). The proposed use is not currently allowed by the existing corridor development plan. Use Unit 17 is allowed but limited it to the selling of automotive parts, off-road equipment accessories with the installation and repair thereof, and restoration and storage of classic cars.

The corridor plan currently requires allowed uses to be subject to the condition that they be conducted within existing enclosed buildings and materials associated with permitted uses shall be stored within an

enclosed building. This requirement will apply to the proposed automotive sales.

The building exterior cannot be altered except for cosmetic and maintenance purposes on the existing structure. Building changes will not be allowed without corridor site plan approval or minor site plan approval.

All other Existing Development Standards previously established shall remain applicable.

With the provisions stated above, staff recommends **APPROVAL** of the requested Corridor Plan to allow the addition of automotive sales (Use Unit 17) as defined above.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

9. **Z-6344-SP-3 – Danny Mitchell**, Location: 6209 South 107th East Avenue, Requesting a **Detail Site Plan**, (CD-7) (Staff is requesting a continuance to July 24, 2013.)

STAFF RECOMMENDATION:

Removed from consent agenda.

10. **PUD-538-9 – Roy Johnsen**, Location: Northeast corner of East 101st Street South and South Yale Avenue, Requesting a **Minor Amendment** to add Use Unit 12a (Adult Entertainment Establishment) to allow a Cigar Bar and to reduce the required parking by 10%, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add Use Unit 12a (Adult Entertainment Establishment) to allow a Cigar Bar and to reduce the required parking by 10%.

The existing PUD-538 and PUD-538-A currently allows the following uses within Development Area A:

Use Units 5, 11, 12, 13 (retail liquor stores shall not exceed 2,000 SF of building floor area), 14 (excluding convenience grocery or store, automobile parts and accessory stores, pawn shops, building materials sales and self-service Laundromats), 15 (limited to Dry Cleaning and laundry services)

PUD-538 has a Mutual Parking Agreement between Development Areas that provides sufficient parking for the site. The reduction in parking will not significantly affect the developments ability to provide parking due to a variety of uses with different peak operating hours.

Use Unit 12a will be limited to the proposed addition of a Cigar Bar. Any additional proposals for Use Unit 12a will be required to submit an amendment to the PUD for approval.

All other standards of PUD-538 shall remain applicable unless modified through additional amendments to the PUD. The City of Tulsa Zoning Code requires spacing verification through the Board of Adjustment. The applicant has submitted a Board of Adjustment hearing concurrently with this application.

Staff recommends **APPROVAL** of the minor amendments for PUD-538 with the above stated conditions.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

11. **PUD-637-4 – Paul Burgard**, Location: Southwest corner of South Lewis Court and East 44th Street South, Requesting a **Minor Amendment** to reduce the required distance between buildings from 15' to 10' on the south property line and to increase the 15' building setback along the west property line from 50' to 66', (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required distance between buildings from 15' to 10' on the south property line and to increase the 15' building setback along the west property line from 50' to 66'. The proposal is to allow the construction of a new residence on the property. This request would only apply to Lot 23, Block 1, Greenhill Addition.

In 2001 the TMAPC Approved a minor amendment to reduce the required rear yard from 25 feet to 15 feet for not more than 50 feet of a lots width to allow the eight interior lots of the Greenhill Subdivision to have alley entrances to rear yard garages.

Existing homes along the alley all have privacy fences that sit closer than 15' and give the properties the appearance that the building is extended even further.

The proposed structure is for a one story, stucco residence. Due to the existing close nature of the residences in the subdivision and the construction of privacy fences along the alley, the requests as applied for would still be compatible with surrounding development in the area.

The structure shall be limited to a one story structure not exceeding 35 feet in height.

All other standards of PUD-637 shall remain applicable.

Staff recommends **APPROVAL** of the minor amendments for PUD-637-4 with the above stated conditions.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

TMAPC COMMENTS:

Mr. Walker stated that Items 7 and 9 are being removed from the consent agenda and will be heard separately.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **PERKINS**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **APPROVE** the consent agenda Items 2 through 6, 8, 10 and 11 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

7. **PUD-390-A-1 – Claude Neon Federal Signs**, Location: Northeast corner of East 61st Street South and South 89th East Avenue, Requesting a **Minor Amendment** to increase the allowable display surface area of a business identification sign from 40 SF to 60 SF (Section 602.B.4.C) and allow for lighting movement for the proposed digital message center (Section 602.B.4.F), (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the allowable display surface area of a business identification sign from 40s/f to 60s/f (Section 602.B.4.C) and allow for lighting movement for the proposed

digital message center (Section 602.B.4.F). The sign is proposed to be adjacent to East 61st Street South. The proposed sign is not permitted by the current PUD-390-A standards, which references the Office section of the code for standards. The code only allows digital signs in office districts to exist if illuminated by constant light.

The proposed site is located on a 1.1 +/- acre tract that abuts two street frontages. Per the office standards the applicant is allowed two ground signs. One would be allowed on South 89th East Avenue at 50s/f of display surface area and the other would be along East 61st Street South at 40s/f of display surface area. The combined signs would be allowed a total of 90s/f of signage. The applicant with this amendment is requesting to allow the sign along East 61st Street South to be 60s/f. There has been no indication by the applicant whether there is a plan to place another sign along South 89th East Avenue.

The applicant has provided documentation, attached, that the sign is at least 200 feet from any Residential District. Additionally, there is documentation that shows the sign is located more than 50 feet from the centerline of East 61st Street South and is additionally setback another 11 feet to keep it out of an existing utility easement. These setbacks meet required distances that the code has for flashing, changeable copy, running light, or twinkle signs (Section 1221.C.2). However, as stated before office standards do not allow these kinds of signs.

With proposed location of the sign meeting more restrictive standards that are required for signs of this nature and with the location of the sign along an arterial street, staff contends the enlargement and illumination of sign other than by constant light will have little to no impact on the surrounding properties.

All other components of the PUD have been satisfied and the request appears to be compatible with the surrounding development and anticipated future development in the area.

Staff recommends **APPROVAL** of minor amendment PUD-390-A-1.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **APPROVE** the minor amendment for PUD-390-A-1 per staff recommendation.

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- 9. **Z-6344-SP-3 – Danny Mitchell**, Location: 6209 South 107th East Avenue, Requesting a **Detail Site Plan**, (CD-7) (Staff is requesting a continuance to July 24, 2013.)

STAFF RECOMMENDATION:

Staff is requesting a continuance for further review.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **CONTINUE** the detail site plan for Z-6344-SP-3 to July 24, 2013.

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PUBLIC HEARINGS:

- 12. **BOA- 21556 – Plat Waiver**, Location: Northwest corner of East 51st Street South and South Darlington Avenue (9327) (CD 5)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a special exception for a skilled nursing home in an OM zoning district.

Staff provides the following information from TAC for their June 20, 2013 meeting:

ZONING: TMAPC Staff: This property has been previously platted.

STREETS: Twenty-five feet of right-of-way along both 51st and Darlington is still tied to property and must be dedicated to the City of Tulsa. Radius of 25 feet or equivalent clip required at the intersection of 51st Street and Darlington Avenue. Sidewalks must be constructed per subdivision regulations along both streets.

SEWER: No comment.

WATER: An additional waterline easement may be required if a water main extension is required.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

Staff recommends **APPROVAL** of the plat waiver for the platted property.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?	X*	
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- 7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

*See water comment.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **APPROVE** the plat waiver for BOA-21556 per staff recommendation.

Mr. Liotta stated that he will be recusing himself from Items 13 and 14. Mr. Liotta further stated the he grew up in the subject neighborhood and he has family still living in the subject neighborhood.

Mr. Liotta out at 1:41 p.m.

13. **Z-7235 – Lou Reynolds/CAP/Mayo School Conversion**, Location: South of southeast corner of South 101st East Avenue and East 25th Street, Requesting rezoning from **RS-3/CDP-21 to OL**, (CD-5)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-14987 November 17, 1988: The Board of Adjustment **continued** a request for a *Special Exception* to allow for a multi-agency children's special services center (special education, guidance, counseling, vocational rehabilitation supervision and health services) to locate in an existing school building in an RS-3 district, to allow the applicant and interested parties sufficient time to discuss the proposed center, on property located at 2525 South 101st East Avenue and is also the subject property. On **February 16, 1989**, the applicant **withdrew** the application.

BOA-14194 September 4, 1986: The Board of Adjustment **approved** a *Special Exception* to permit a before and after school child care program for elementary school children, on property located at 2525 South 101st East Avenue and is also the subject property.

BOA-8643 July 3, 1975: The Board of Adjustment **approved** a *Special Exception* for an extension of time for 18 months to permit the completion of Community Development Project #21, on property located between 21st and 27th Streets and west of South 101st East Avenue and is a part of the subject property.

BOA-6293 May 6 1969: The Board of Adjustment approved a Special Exception to permit erecting a school in a U-1C (RS-3) district, on property located at East 27th Street and South 101st East Avenue and is also the subject property.

CDP-21 September 20, 1967: All concurred in approval of a proposed Community Development Project on a 246± acre tract of land for a mixed use development including residential (single-family, duplex and multifamily), school use, and recreation/park area, on property located

between East 21st Street and East 31st Street and between South Mingo Road and Highway 169 and is a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located south of southeast corner of South 101st East Avenue and East 25th Street. The property appears to be an abandoned school building and is zoned RS-3/CDP-21.

SURROUNDING AREA: The subject tract is abutted on all sides by a single family residential subdivision zoned RS-3.

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

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue/South Mingo Road	Secondary Arterial	100 feet	2
South 103 rd East Avenue	Non Classified	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

AREAS OF STABILITY

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Staff Summary: The proposed school site re-development is not consistent with the concept defined in the area of stability. OL zoning is not a compatible use inside an existing area of stability.

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 existing school site was originally considered as part of the CDP project which was predecessor to the Planned Unit Development inside the City of Tulsa. There was no development guideline identifying any of the items normally considered in the Comprehensive Plan or the normal PUD process. OL zoning districts are not a compatible use inside an existing residential neighborhood.

STAFF RECOMMENDATION:

The proposed office building construction is not consistent with the vision identified for this area in the Comprehensive Plan or the vision of the original Community Development Project (CDP-21). The school component of this project is compatible with the Comprehensive Plan and staff would support the re-use and/or expansion of the project as a school use with accessory offices.

The proposed office building construction and rehabilitation of the existing school building for use of an office facility is not consistent with the expected development pattern in the area.

The applicant has worked with staff and established site guidelines within PUD-797 that is being heard concurrently. However, none of the components of the Comprehensive Plan or the previous CDP contemplated this use as an office project inside this neighborhood **therefore staff recommends denial of the rezoning request from RS-3/CDP-21 to OL.**

Items 13 and 14 are related Items:

14. **PUD-797 – Lou Reynolds/CAP/Mayo School Conversion**, Location: South of southeast corner of South 101st East Avenue and East 25th Street, Requesting a **PUD** to convert the existing school and build an additional building for office uses, **RS-3/CDP-21 to OL/PUD-797**, (CD-5)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-14987 November 17, 1988: The Board of Adjustment **continued** a request for a *Special Exception* to allow for a multi-agency children's special services center (special education, guidance, counseling, vocational rehabilitation supervision and health services) to locate in an existing school building in an RS-3 district, to allow the applicant and interested parties sufficient time to discuss the proposed center, on property located at 2525 South 101st East Avenue and is also the subject property. On **February 16, 1989**, the applicant **withdrew** the application.

BOA-14194 September 4, 1986: The Board of Adjustment **approved** a *Special Exception* to permit a before and after school child care program for elementary school children, on property located at 2525 South 101st East Avenue and is also the subject property.

BOA-8643 July 3, 1975: The Board of Adjustment **approved** a *Special Exception* for an extension of time for 18 months to permit the completion of Community Development Project #21, on property located between 21st and 27th Streets and west of South 101st East Avenue and is a part of the subject property.

BOA-6293 May 6 1969: The Board of Adjustment approved a Special Exception to permit erecting a school in a U-1C (RS-3) district, on property located at East 27th Street and South 101st East Avenue and is also the subject property.

CDP-21 September 20, 1967: All concurred in approval of a proposed Community Development Project on a 246± acre tract of land for a mixed use development including residential (single-family, duplex and multifamily), school use, and recreation/park area, on property located between East 21st Street and East 31st Street and between South Mingo Road and Highway 169 and is a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located south of southeast corner of South 101st East Avenue and East 25th Street. The property appears to be an abandoned school building and is zoned RS-3/CDP-21.

SURROUNDING AREA: The subject tract is abutted on all sides by a single family residential subdivision zoned RS-3.

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

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue/South Mingo Road	Secondary Arterial	100 feet	2
South 103 rd East Avenue	Non Classified	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

AREAS OF STABILITY

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Staff Summary: The proposed school site re-development is not consistent with the concept defined in the area of stability. The applicant has worked with staff and provided site development standards that would help buffer and integrate the proposed development into the neighborhood. It could be argued that the CAP organization could provide a way to enhance the neighborhood character and quality of life however the majority of the project is simply an office expansion project.

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 existing school site was originally considered as part of the CDP project which was predecessor to the Planned Unit Development inside the City of Tulsa. There was no development guideline identifying any of the items normally

considered in the Comprehensive Plan or the normal PUD process. The proposed standards identified in this application include screening, landscaping, lighting building maximum sizes use limitations, sidewalks and other amenities that the school has not or cannot provide.

APPLICANT CONCEPT STATEMENT:

CAP Tulsa in collaboration with TCC has a vision for the former Mayo Elementary School (Tulsa Public) located at 2525 South 101st East Avenue (the “Project”) to become an educational resource center for economically at risk families with very young children.

Because the Project is located in an area of stability on the Stability and Growth Map, CAP Tulsa has elected to use a Planned Unit Development, in lieu of a Small Area Plan, to support the needed Comprehensive Plan Amendment and to implement the proposed zoning change necessary to support the Project.

On May 6, 2013, CAP Tulsa sent letters to all of its neighbors within 300 FT of the Project. The May 6th letter invited all the Project’s neighbors to a meeting about the Project and necessary re-zoning, which was held on May 16, 2013, at CAP Tulsa’s Skelly Early Childhood Education Center at 8811 East 31st Street.

As proposed in PUD No. 797, the Project will reconfigure and expand the existing 35,878 SF school building to include additional classrooms, adult training rooms and computer learning labs, meeting room space and offices.

The Project is comprised of approximately 7.8 acres, currently zoned Residential Single-Family High Density District (“RS-3”), and overlaid by Community Development Plan No. 21 (“CDP-21”). PUD No. 797 is accompanied by TMAPC Case No. Z-7235 which case requests the Project be zoned OL-Office Low Intensity District. As a part of this PUD Application CAP Tulsa requests that the Project be rezoned to OL/PUD No. 797 from RS-3/CDP-21.

The Conceptual Site Plan for the Project is shown on Exhibit “A”. The Project will be incorporated into the existing Mayo School building as a single building with a two-story office component.

Exhibit “B1” is an Area Aerial Photograph of the Area Land Uses around the Project.

To assure compatibility with the adjacent residences, additional landscaping and a 6 FT masonry screening wall will be extended

along the north and south boundaries of the Project. Over 25 new trees, at least 8 FT in height, will be planted to soften the Project and provide a park-like atmosphere. Also, the Project will have a sidewalk around the perimeter as a walking path for the neighborhood, and a playground and park area for use by the Project's neighbors.

Access to the Project will be limited to two (2) driveways along South 101st East Avenue, and there will not be any additional drives onto the Project. Access from South 103rd East Avenue will be for emergency vehicles only, and will have crash gates for emergency vehicles. The Access and Circulation Plan is shown on Exhibit "C".

Internal circulation within the Project will be designed to separate the traffic and parking within the Project. Sidewalks will be provided along South 101st East Avenue and South 103rd East Avenue. Also, a trail system will be developed along the perimeter of the Project providing an approximately 1/2 mile of trail that will be available for public use.

The existing zoning is shown on the Zoning Map attached as Exhibit "D".

Because the Project is based on a closed elementary school, the development must be expected, and the proposed Development Standards will assure the compatibility necessary to protect and enhance the residential character of the neighborhood.

Finally, the Detailed Site Plan review will ensure continued compliance with the approved Development Standards.

Staff Comment: The proposed site plan and development standards identified in the staff summary below retain the general character of a school site however we have not been provided proposed building elevations and the character of the building construction has not been defined in the development standards. It is unknown how the building will be integrated into the neighborhood setting.

STAFF SUMMARY:

I. DEVELOPMENT STANDARDS:

GROSS LAND AREA: 371,406 SF 8.5 AC

NET LAND AREA: 342,498 SF 7.8 AC

PERMITTED USES:

Use Unit 1., Area-Wide Uses By Right, limited to, Community Garden, Arboretum and Sidewalks, Use Unit 5., Community Services & Similar Uses, limited to Children's Nursery, Community Center, Cultural Facility, Library, Park, Public/Private, Schools, Public or Private, including a cafeteria providing meals on and off premises together, Use Unit 11., Offices, Studios and Support Services , together with such uses customarily accessory and incidental to the Permitted Uses, however the following uses shall be excluded: Abstract Company, Advertising Agency, Artificial Limb, and Corrective Shoes Sales (by prescription only), Broadcasting Studio, Computing Service, Data Processing Service, Dental Laboratories and Related Research Facilities, Drafting Service, Employment Agency, Funeral Home, Insurance Adjustment, Loan Office, Massage Therapy, Medical Laboratories and Related Research Facilities, Optical Laboratory, Transportation Ticket Office, Travel Agency, and Union Hall.

MAXIMUM BUILDING FLOOR AREA: 100,000 SF

MAXIMUM BUILDING HEIGHT:* 45 Feet or Two Stories

*Floors above the first floor and architectural features, such as parapets, shall be permitted to exceed the maximum height at Detailed Site Plan approval.

MINIMUM OFF-STREET PARKING SPACES:

As required by the applicable Use Unit of the Tulsa Zoning Code, unless otherwise modified by the Board of Adjustment.

MINIMUM BUILDING SETBACKS:

From North boundary	<u>120</u>	FT
From South 103rd East Avenue right-of-way	<u>140</u>	FT
From South boundary	<u>43</u>	FT
From South 101st East Avenue boundary line	<u>190</u>	FT

MINIMUM PARKING SPACE OR ACCESS DRIVE SETBACK:

From North boundary	<u>30</u>	FT
From South boundary	<u>20</u>	FT

SIGNS:

Ground Signs:

One (1) monument sign along South 101st East Avenue not exceeding 10 FT in height and 64 SF in

display surface area. Monument signs shall not be lit either internally or externally. No digital signage is permitted.

Directional Signs:

Two (2) directional signs along South 101st East Avenue, one at each entrance, not exceeding 3 SF of display surface area. Directional signs shall not be lit either internally or externally. No digital signage is permitted.

LIGHTING:

Outdoor Lighting shall be shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas.

Additionally as part of the site plan review an accurate lighting plan illustrating light poles and fixtures with a photometric plan will be provided illustrating height, fixtures facing down and away from the residential areas. The photometric plan must be provided which does not exceed zero foot candles at the property lines.

Exterior lighting whether ground or building mounted shall not exceed 15' in height.

Existing lighting whether building mounted or ground mounted will be modified to meet those standards as necessary.

LANDSCAPED AREA:

A minimum of twenty percent (20%) of the total net land area of the project shall be improved as internal landscaped open space.

TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level.

Enclosures for trash dumpsters shall be masonry construction with steel door frames. The doors shall be covered with appropriate covering containing minimum 95% opacity on the gate frame.

NO OUTSIDE STORAGE:

There shall be no outside storage of recyclable material, trash or similar materials outside of a screening receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

II. **LANDSCAPING AND SCREENING DETAILS:**

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and will establish a new minimum 30 FT landscape buffer separating the northerly boundary of the parking and drive aisle from the residential neighborhood to the north, and a new minimum 20 FT landscape buffer separating the southerly parking and drive aisle from the residential neighborhood to the south (See Exhibit "E" -- Conceptual Landscape Plan).

A 6 FT masonry screening wall will be constructed along the south boundary and the north boundary of the Project that abuts the residential zoning to the north and the south. The design of the screening wall shown on Exhibit "F" -- Boundary Screening Wall Details.

Landscaping of the Project is shown on Exhibit "E" -- Conceptual Landscape Plan. This landscaping will incorporate, to the extent feasible, the healthy existing trees and will add additional trees a minimum of 8 FT in height at the time of planting to create an immediate visual barrier over and above the 6 FT high masonry screening wall.

Any parking area within 100 feet of the street right of way shall be screened with a berm or an evergreen landscape edge with a minimum width of 10' and minimum height of 30".

III. ACCESS AND CIRCULATION:

Access to the Project will be from South 101st East Avenue as shown on Exhibit "C" – Site Access and Circulation Plan. Except for an Emergency Vehicle Only access to and from South 103rd East Avenue, as shown on such Plan, there will not be any vehicular access to South 103rd East Avenue.

Internal circulation within the Project will be designed to separate the traffic and parking with the Project. The southern drive will be the primary entrance for parents dropping off their children, and the northern drive will be the primary entrance for adult programs, management, operations, and other activities on the Project.

Sidewalks will be provided along South 101st East Avenue and South 103rd East Avenue.

Also, a trail system will be developed along the perimeter of the Project providing an approximate 1/2 mile of trail that will be available for public use.

IV. ENVIRONMENTAL AND INFRASTRUCTURE ANALYSIS:

Topography:

The Project is relatively level, sloping northwesterly approximately 10 FT from the southeast corner of the Project. The proposed detention facility location does provide some level of additional setback between the existing residence at the northwest corner of the site.

Utilities:

Water:

A 12 inch water main is in place along South 101st East Avenue and an 8 IN water main is in place along South 103rd East Avenue.

Sanitary Sewer:

An 8 inch sanitary sewer main is located on site, along the north boundary of the Project.

Other Utilities:

Other utilities, including gas, electric, telephone and cable television are currently available at the site.

Drainage:

Storm water from the Project flows toward an open channel running along the north boundary of the Project that is a part

of Dickenson Creek. On-site detention will be required for additional impervious area.

Soils:

The top soil is a silt loam over a silty clay. Poor drainage is prevalent across the Project site however the new building and parking construction should improve that condition.

V. SITE PLAN REVIEW:

No building permit shall be issued for any building within the Project until a Planned Unit Development Detailed Site Plan and Detailed Landscape Plan have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the Approved Planned Unit Development Standards.

STAFF RECOMMENDATION:

The proposed office building construction is not consistent with the vision identified for this area in the Comprehensive Plan or the vision of the original Community Development Project (CDP-21). The school component of this project is compatible with the Comprehensive Plan and staff would support the re-use and/or expansion of the project as a school use with accessory offices.

The proposed office building construction and rehabilitation of the existing school building for use of an office facility is not consistent with the expected development pattern in the area.

The applicant has satisfied all of the items requested by INCOG staff and the City of Tulsa planning department regarding placement of the proposed building, site improvements regarding screening, lighting setbacks and other landscaping components defined in the Planned Unit Development.

The applicant has worked with staff and established site guidelines that may be compatible with the existing neighborhood. However, none of the components of the Comprehensive Plan or the previous CDP contemplated this use as an office project inside this neighborhood therefore staff recommends **DENIAL** of PUD 797.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, requested a continuance in order to meet with the neighborhood residents again and try to make the development more compatible with the subject area. Mr. Reynolds requested a continuance to August 21, 2013.

INTERESTED PARTIES IN OPPOSITION:

Robbie Thames, 2336 South 103rd East Avenue, 74129; **Cathleen Peppito**, 10144 East 25th Street, 74129; **Betty Daggs**, 9609 East 25th Place, 74129; **Lois Powell**, 10125 East 26th Street, 74129; **Jack Green**, 9658 East 27th Street, 74129; **Jerry Martin**, 10324 East 27th Street, 74129; and **Kathleen Breah**, 2319 South 102nd East Avenue, 74129. These individuals expressed the following concerns:

Additional traffic through the neighborhood; opposed to an additional two-story building; need better notice of the neighborhood meeting with the applicant; do not want the office uses in the subject area. There were several parties not in favor of the continuance and feared that the continuance was a convenience for the applicant.

INTERESTED PARTY IN SUPPORT:

Dale Beymer, 9625 East 25th Place, 74129, stated that he is in favor of the proposal and feels that the continuance should be granted to work out issues with the neighbors. Mr. Beymer indicated that there are more residents in favor for the subject proposal, but are not in attendance today.

TMAPC COMMENTS:

Commissioners explained to the interested parties that a continuance is not only a convenience for the applicant. Mr. Walker explained that typically the TMAPC grants a continuance for the applicant and for the interested parties. The Planning Commissioners encouraged the interested parties to meet again and try to work out their issues with the applicant. Several interested party speakers indicated that they are not interested in talking with the applicant any further and requested that the continuance be denied.

TMAPC Action; 6 members present:

On **MOTION** of **PERKINS**, TMAPC voted **6-0-0** (Covey, Edwards, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Liotta, Shivel "absent") to **CONTINUE** the Z-7235 to August 21, 2013.

TMAPC Action; 6 members present:

On **MOTION** of **PERKINS**, TMAPC voted **6-0-0** (Covey, Edwards, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Liotta, Shivel "absent") to **CONTINUE** the PUD-797 to August 21, 2013.

Mr. Liotta in at 2:00 p.m.

15. **PUD-798 – AAB Engineering, LLC/Alan Betchan/Dr. Henry Orthodontics**, Location: South of southeast corner of South Harvard Avenue and East 41st Street, Requesting a **PUD** for a new office development (CD-9)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 12677 dated January 11, 1973, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-761-B January 2013: All concurred in approval of a proposed Major Amendment to PUD-761 on a 4.5± acre tract of land to create 3 Development Areas, increase building floor area to 26,000 square feet on property located south of the southeast corner of East 41st Street and South Harvard Avenue.

PUD-761-A September 2010: All concurred in approval of a Major Amendment to Planned Unit Development on a 6.87± acre tract of land to permit dry cleaner use on Lot 4 and amend some development standards, on property located Southeast corner of East 41st Street South and South Harvard Avenue.

PUD-761 December 2008: All concurred in approval of a proposed Planned Unit Development a 6.87± acre tract of land for a neighborhood shopping center (Harvard Square) on property located on the southeast corner of East 41st Street and South Harvard Avenue.

PUD-642 February 2001: All concurred in approval of a proposed Planned Unit Development on a 1.89± acre tract of land for office development on property located south of the southeast corner East 41st Street South and South Harvard Avenue and north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located south of southeast corner of South Harvard Avenue and East 41st Street. The property appears to be used as an office and is zoned OL.

SURROUNDING AREA: The subject tract is abutted on the east by single family residential development, zoned RS-2; on the north, south, and on the west by small office development, zoned OL.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard as a multi modal corridor.

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 multi modal vision identified in the comprehensive plan is years away from implementation and will developed incrementally over time. This project does not hinder the ultimate vision for Harvard Multi Modal Corridor and will encourage sidewalk construction and pedestrian movement into the site.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Harvard Avenue	Secondary Arterial Multi Modal	100 feet	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The proposed PUD is entirely in an area of growth:

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 general agreement exists 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.

The proposed PUD is entirely in a 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.

APPLICANT CONCEPT STATEMENT:

PUD 798 is a Planned Unit Development overlay of an existing OL zoned parcel along the east side of Harvard approximately 1000 feet south of its intersection with East 41st Street South. An office building currently occupies the western half of the PUD and will be removed and replaced with a two story orthodontics office. The eastern half of the property will be developed as a second one story office building once a user is determined.

The eastern lot does not have frontage on an a public street and is close to the residential area east of the PUD boundary. The purpose of the PUD has two core components:

- First, the PUD will provide design guidelines for appropriate development adjacent to the residential neighborhood.
- Second, the PUD will satisfy vehicular access through development area A to Development area B and mutual parking mutual parking agreement between the two development areas.

The conceptual site plan for the project can be seen in the attached Exhibit B.

STAFF SUMMARY:

PUD DEVELOPMENT STANDARDS:

PUD-798 will consist of two development areas subject to the following standards and design guidelines:

Land Area

Net Lot Area	37,500 SF
Gross Lot Area	43,750 SF

Permitted Uses

Uses permitted by right including all uses customarily accessory (thereto) within the following Use Units:

Use Unit 1: Area-Wide Uses

Use Unit 10: Off-Street Parking

Use Unit 11: Offices, Studios & Support Services

Maximum Building Area

Development Area A	5,600 SF
Development Area B	7,525 SF
Total	13,125 SF
Maximum floor area ratio:	(0.30)

Minimum Building Setbacks

Harvard Avenue right of way	50'
North boundary of PUD	10'
Internal lot Line	5'
East boundary of PUD	15'

Maximum Building Height

Dev Area A	37' (2 Story)*
Dev Area B	30' (1 Story)

Parking

Parking will be provided at a ratio for the entire PUD of 1:300 regardless of the required parking ratio of the use unit (i.e. medical/dental office will be allowed to provide parking at a ratio of 1:300 instead of 1:250). In the event that the site plan for one site exceeds the parking requirement either development area may be

used to satisfy the parking requirement of the other development area.

Lighting

All lighting standards shall be constructed in a manner that prevents visibility of the light emitting element from adjacent residentially zoned properties. No ground or building mounted lighting fixture shall exceed 20 feet from ground level at the fixture.

All lighting will be pointed down and away from any residential area.

A lighting plan will be provided that accurately reflects the photometric of all fixtures to be installed with no zero foot candles on the east property line. The lighting plan will be included as part of the site plan and will include all building mounted lights, ground mounted lighting poles and fixtures.

Building Design Guidelines:

The eastern façade of any buildings within Development Area B shall be constructed of masonry.

No east facing windows will be permitted on the second story of any building within Development Area A.

Signage

Signs shall be limited to the following:

One double-sided project identification ground sign not exceeding 20' in height shall be permitted along Harvard Avenue, provided it does not exceed 50 square feet of display surface area per side. Signage for both Development Areas A and B shall be allowed on this sign. Illumination, if any, shall be by constant light. No digital signage will be allowed.

Wall signs shall be limited to two square feet per linear foot of building wall to which the signs are affixed. No east, north or south facing wall signs will be allowed in either development area.

No roof or projecting signs shall be permitted.

Screening

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% shall be allowed on enclosure doors.

A six-foot tall masonry screening fence will be constructed along the eastern boundary of Development Area B that abuts residentially zoned property. The masonry fence will be installed as part of the first phase of the project.

Landscaping

Minimum internal landscaped space exclusive of the street yard
10% of net lot area.

Minimum landscape edge* abutting street right of way 5' (except at points of access)

*The landscape edge shall include a minimum of fifteen (15), three gallon evergreen shrubs and may include up to 25% ornamental grasses for each 50 linear feet of frontage on Harvard. The shrubs required shall be calculated for the entire Harvard frontage. The plan should provide effective screening between the street and the parking area with a minimum screening height of 2.5 feet.

The remainder of the PUD shall meet or exceed the requirements of the Landscape Chapter of the City of Tulsa Zoning code in all other manners.

The approved landscape plan will be installed and approved prior to an occupancy permit.

Topography

The elevation of the existing site varies from approximately 722' at the ridge line along the northern boundary of the site to 716 in the south east corner (all elevations referenced to the North American Vertical Datum). The developed portion of the PUD (Development Area A) slopes generally southwest toward Harvard Avenue. The undeveloped portion (Development Area B) of the PUD slopes general south.

The attached Exhibit D depicts an aerial of the existing site as well as topography.

Drainage

A drainage divide lies approximately 100' east of the western property line, roughly centered on the existing building. Developed runoff west of the divide flows west to Harvard with the largely undeveloped runoff flowing and south. These drainage patterns will be largely maintained along with the addition of parking lot detention along the eastern boundary. The detention facility will

reduce developed peak runoff rates to that of the pre-developed conditions as required by City of Tulsa storm water criteria.

Vehicular and Pedestrian Access and Circulation

The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Development Area B will access Harvard via a mutual access easement along the southern boundary of the PUD. As anticipated in the comprehensive plan sidewalks will be provided in the east side of the Harvard Avenue right of way and a direct pedestrian connection to the public realm will ultimately be provided.

Detailed Site Plan Review

No building permit shall be issued until a detailed site plan and a detailed landscape plan is submitted to and approved by the Tulsa Metropolitan Area Planning Commission. The masonry fence required along the east property line as part of the screening section of this PUD will be constructed during the first phase of the project. If the western building is constructed first the detailed site plan must make provisions to install the wall on the eastern lot as part of that building permit package.

No sign permit shall be issued until a detailed sign plan is submitted and approved by the Tulsa Metropolitan Area Planning Commission.

STAFF RECOMMENDATION:

The proposed development is in harmony with the anticipated use defined in the Comprehensive Plan.

The proposed PUD is consistent with the existing neighborhood and with anticipated development pattern surrounding the site.

The Planned Unit Development is in harmony with the spirit and intent of the PUD section of the Zoning Code

Therefore staff recommends **APPROVAL** for PUD-798 as outlined in the Staff Summary and Concept statement above.

INTERESTED PARTIES COMMENTS:

Tonie Grabor, 4562 South Jamestown, 74135, President of the Homeowners Association, stated that the homeowners association are in agreement with the subject application.

Dan Guterman, 5808 South Evanston Court, 74105, President of Maple Oaks Investment, stated that his building is located north of the subject property and he is not in agreement with any connection between his parking lot and the subject property's parking lot. Mr. Guterman fears that the subject property will not be able to handle all of their parking and will utilize his parking.

Applicant's Comments:

Alan Betchan, Civil Engineer for the subject project, stated that there is no connection to the property located to the north anticipated. He explained that he did hope to have a mountable curb between the property to the north and the subject property, but if that agreement can't be made with the owners, than he will do a hammerhead and lose two parking spots. Mr. Betchan indicated that his client will do whatever the Fire Marshal requires to allow for fire protection. Mr. Betchan indicated that the subject property can park 300 + cars.

TMAPC Action; 7 members present:

On **MOTION** of **PERKINS**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to recommend **APPROVAL** of PUD-798 per staff recommendation.

Legal Description for PUD-798:

Lot 7, Block 1, Villa Grove Heights No. 1, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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16. **Z-7234 – Tulsa Airport Improvement Trust/Mike Kerr**, Location: South of southeast corner of North Memorial Drive and East Pine Street, Requesting rezoning from **AG TO CS**, (CD-3), (Continued from 6/19/13) (Withdrawn by applicant)

STAFF RECOMMENDATION:
WITHDRAWN.

* * * * *

OTHER BUSINESS

17. **Consider initiation of rezoning from RS-3 to RS-4 for Stone Creek Farms Village**, Stone Creek Farms Village is a 38-lot single-family residential subdivision located on the west side of 193rd East Avenue, north of 51st Street (CD-6)

STAFF RECOMMENDATION:

Item: Consider initiation of rezoning from RS-3 to RS-4 for Stone Creek Farms Village.

Background: Stone Creek Farms Village is a 38 lot single-family residential subdivision located on the west side of 193rd E. Avenue, north of 51st Street. Zoning for the property (RS-3) was established in 1983. Subsequently, residential zoning for a large acreage abutting and lying north and west of the property was established as RS-4, and the RS-4 zoned properties were platted as 4 subdivisions known as Stone Creek Farms, Stone Creek Farms II, Stone Creek Farms III and Cypress Creek. The development entities that platted the various residential subdivisions, including Stone Creek Farms Village, share some common ownership.

When Stone Creek Farms Village was platted in 2006, front yard setbacks were established at 20 ft. in accordance with RS-4 standards, and certain other RS-4 bulk and area requirements were applied, apparently upon the mistaken belief that the property was zoned RS-4 as were the properties within Stone Creek Farms, Stone Creek Farms II, Stone Creek Farms III and Cypress Creek.

Planning staff and city permitting reviewed applications under the mistaken belief that the properties within Stone Creek Farms Village were zoned RS-4. However, it recently came to light, during review of building permit applications for the last 2 vacant lots in the subdivision, that the zoning of Stone Creek Farms Village is in fact RS-3. As required by the City, the applicant applied to the Board of Adjustment, and was granted, a special exception to permit a reduction of the required setback to 20 ft. within the two lots.

Staff recognizes that the history of zoning and approvals for Stone Creek Farms Village presents title issues which could be resolved by rezoning the property RS-4. Accordingly, staff has performed an analysis of the facts and circumstances of the property, surrounding uses and zoning districts, and the Comprehensive Plan to determine whether rezoning the property RS-4 would be advisable and has concluded that the facts are supportive of the zoning change. (The property is abutted on the west by significant single family residential subdivisions zoned RS-4, on the south by commercial properties zoned OL/CS/PUD 712, on the east, by 193rd E.

Avenue, and on the north by undeveloped property with scattered residential and agricultural uses zoned AG. The Comprehensive Plan designates the property "Existing Neighborhood" which would be consistent with RS-4 zoning.)

Recommendation: Pursuant to Section 1703.B. of the Zoning Code, zoning map amendments may be initiated by the Planning Commission. Staff Recommends that the Planning Commission initiate a zoning map amendment to rezone the properties within Stone Creek Farms Village to RS-4. If initiated, staff will process the case and place the matter on a future TMAPC agenda.

Ms. Miller stated that should the Planning Commission initiate the rezoning, staff will prepare notices and hold neighborhood meetings to explain to the residents why the rezoning is necessary.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **APPROVE** initiation of rezoning from RS-3 to RS-4 for Stone Creek Farms Village.

* * * * *

Commissioners' Comments

None.

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TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty, Shivel "absent") to **ADJOURN** TMAPC meeting No. 2653.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved:

7-24-13

Joshua G. Walsh

Chairman

ATTEST:

[Signature]
Secretary