

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2664

Wednesday, December 18, 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 |
|------------------------|-----------------------|----------------------|-----------------------|
| Carnes | Edwards | Fernandez | Duke, COT |
| Covey | Perkins | Huntsinger | Tohlen, COT |
| Dix | | Miller | VanValkenburgh, Legal |
| Leighty | | White | |
| Liotta | | Wilkerson | |
| Midget | | | |
| Shivel | | | |
| Stirling | | | |
| Walker | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, December 13, 2013 at 9:40 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:

1. Appointment of TMAPC Representative to Tulsa County Local Development Act Review Committee

Mr. Walker stated that he would like to appoint John Dix to the Tulsa County Local Development Act Review Committee, which is a TMAPC designation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins, "absent") to **APPROVE** the appointment of

John Dix as TMAPC's representative to Tulsa County Local Development Act Review Committee.

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Director's Report:

Ms. Miller reminded the Planning Commission that the survey she emailed earlier in the month needs to be returned before the end of the year. Ms. Miller explained that the survey will help her to prepare for a work session to plan what the Planning Commission may want to accomplish in the next year and various other things. Ms. Miller stated that this will be discussed at the second meeting January.

Ms. Miller reported on the Zoning Code updates and the City Council agenda items.

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2. Minutes:

Approval of the minutes of November 20, 2013 Meeting No. 2662

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **APPROVE** the minutes of the meeting of November 20, 2013, Meeting No. 2662.

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3. Minutes:

Approval of the minutes of December 4, 2013 Meeting No. 2663

On **MOTION** of **CARNES**, the TMAPC voted 7-0-1 (Carnes, Covey, Dix, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; Leighty "abstaining"; Edwards, Midget, Perkins "absent") to **APPROVE** the minutes of the meeting of December 4, 2013, Meeting No. 2663.

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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.

4. **LS-20655** (Lot-Split) (County) – Location: West of the Northwest corner of West 21st Street South and South 33rd West Ave (Related to: LC-537)

Removed from the consent agenda.

5. **LC-537** (Lot-Combination) (County) – Location: West of the Northwest corner of West 21st Street South and South 33rd West Ave (Related to: LS-20655)

Removed from the consent agenda.

6. **LC-540** (Lot-Combination) (CD 1) – Location: North and West of West Admiral Place and North 38th West Avenue

7. **LC-541** (Lot-Combination) (CD 4) – Location: Southwest corner of East 11th Street South and South Rockford Avenue

8. **LS-20660** (Lot-Split) (CD 1) – Location: Southwest corner of West 31st Street North and North 53rd West Avenue

9. **LS-20661** (Lot-Split) (CD 1) – Location: North of the Northwest corner of West Jasper Street and North Denver Avenue (Related to: LC-542 & LC-543)

10. **LC-542** (Lot-Combination) (CD 1) – Location: Northwest corner of West Jasper Street and North Denver Avenue (Related to: LS-20661 and LC-543)

11. **LC-543** (Lot-Combination) (CD 1) – Location: North of the Northwest corner of West Jasper Street and North Denver Avenue (Related to: LS-20661 & LC-543)

12. **PUD-215-15 – James Newell**, Location: Northwest corner of East 87th Street South and South 73rd East Avenue, Requesting a **Minor Amendment** to reduce the building setback line along the west property line of Lots 5, Block 19, Chimney Hills Estates from 15 feet to 10 feet, **RS-3/PUD-215**, (CD-8)

Removed from consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

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

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

4. **LS-20655** (Lot-Split) (County) – Location: West of the Northwest corner of West 21st Street South and South 33rd West Ave (Related to: LC-537)

STAFF RECOMMENDATION:

Staff requests that this item be continued to January 22, 2014. This item must be head by the County Board of Adjustment on January 21, 2014 prior to the TMAPC meeting.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **CONTINUE** LS-20655 to January 22, 2014.

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5. **LC-537** (Lot-Combination) (County) – Location: West of the Northwest corner of West 21st Street South and South 33rd West Ave (Related to: LS-20655)

STAFF RECOMMENDATION:

Staff requests that this item be continued to January 22, 2014. This item must be head by the County Board of Adjustment on January 21, 2014 prior to the TMAPC meeting.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **CONTINUE** LC-537 to January 22, 2014.

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12. **PUD-215-15 – James Newell**, Location: Northwest corner of East 87th Street South and South 73rd East Avenue, Requesting a **Minor Amendment** to reduce the building setback line along the west property line of Lots 5, Block 19, Chimney Hills Estates from 15 feet to 10 feet, **RS-3/PUD-215**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the building setback line along the west property line of the residence located at 8638 South 73rd East Avenue and only effects a single lot.

This request can be considered a Minor Amendment as outlined by Section 1007.H.9 PUD Section of the City of Tulsa Zoning Code.

“Changes in structure heights, building setbacks, yards open space, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

The requested amendment to the west building setback would not be injurious to the adjacent properties in the area and the character of the development would not be substantially altered.

All other standards of PUD-215, including other amendments would still apply.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-215-15 as noted above.

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

Mr. Wilkerson presented the staff report and through questions and answers it was determined that the report was written for the incorrect relief. Planning Commission suggested that this item be continued to allow staff and the applicant to meet and correct the request.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **CONTINUE** the minor amendment for PUD-215-15 to January 8, 2014.

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PUBLIC HEARINGS:

13. **The Greens Professional Park** – Preliminary Plat, Location: West of the Southwest corner of East 91st Street South and South Mingo Road (8324) (CD 7)

STAFF RECOMMENDATION:

This plat consists of three lots, one block, on 2.25 acres.

The following issues were discussed December 5, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 268 C. Conditions of PUD and minor amendments must be met. Clarify typographical errors. Use standard language.
2. **Streets:** Clearly label mutual access easement from the access at 91st Street to Lot 3. Are all parking areas mutual access easements? Where is public right-of-way being dedicated? If there is no dedication remove reference from Section A. Are there any reserve areas? If not, then modify sidewalk section to remove reference to reserve areas. Show sidewalks and ramps along 91st Street and 92nd Street. The limits of access must be established and not stated that it is to be approved by the Traffic Engineer.
3. **Sewer:** Continue the 13-foot utility easement adjacent to the west boundary, all the way south through Lot 3, until it intersects with the proposed 17.5-foot utility easement adjacent to the south boundary of the plat. Add language to the covenants restricting the use of the sanitary sewer and utility easement. (Could you possibly add sanitary sewer to the title line in Section 1 A?) The existing sewer line "To Be Abandoned" must be either removed or filled, not just abandoned in place. Contact Steve Hardt at 918-596-9649 about the closure request process for the existing sewer easement.

4. **Water:** Each service will require its own connection onto the existing 12-inch waterline.
5. **Storm Drainage:** Storm sewers flowing east may need to extend to the thalweg of the creek thus requiring more easement. All storm water must be collected on-site and will not be allowed to flow onto 91st.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** Show gates as discussed in pre-development on conceptual drawing.
8. **Other: GIS:** Need Basis of Bearing, Need e-mail address for surveyor, need point of commencement labeled, legal description needs to be clarified, show all subdivisions in location map, include both graphic and written drawing scale, submit subdivision control data sheet.

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 Development Services and Engineering Services staffs 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **APPROVE** the preliminary plat for The Greens Professional Park per staff recommendation, subject to special conditions and standard conditions.

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14. **Vintage Oaks** – Preliminary Plat, Location: Northwest corner of East 86th Street North and North Sheridan Road (1322) (County)

STAFF RECOMMENDATION:

This plat consists of 91 lots, 6 blocks, on 100.4 acres.

The following issues were discussed December 5, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural) with RE (residential estate) pending. Lot sizes must comply with zoning. Square footages of lots need to be shown. Subdivision needs to be redesigned around cul-de-sac to have required lot sizes, be outside the designated floodplain, and meet cul-de-sac length. Covenants need to be clarified and tailored to the site. Correct typographical errors.
2. **Streets:** Call out 50 feet of right-of-way dedicated by the plat. Show limits of no access along North Sheridan outside the property line. Include name for north/south street to the west. Where is curve data for the streets at the intersection of North Sheridan and East 86th Street? With dimension lines show right-of-way for Dudley Street. Include sections with standard language on Limits of no access and sidewalks. Show sidewalks along all streets.
3. **Sewer:** No comment.
4. **Water:** A 17.5 foot utility easement cannot be platted over an existing 20 foot rural water line easement. A 36 inch City of Tulsa waterline exists inside this easement. Washington County rural water district # 3 serves this area.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements are needed.
7. **Other: Fire:** Please coordinate with the Owasso Fire Department. A release letter will be needed from the service provider. One of the cul-de-sacs exceeds the 750 foot allowed length in the subdivision regulations. The turning radii on the two cul-de-sacs do not meet the minimum of 60 foot radius of right-of-way or the 48 foot radius of paving as required by the subdivision regulations. Hydrants shall be spaced per Appendix C of the International Fire Code.
8. **Other: GIS:** Remove contours from face of plat, show subdivisions in location map, need e-mail address for engineer/surveyor. If engineer/surveyor are two different individuals, show both, identify the basis of bearing, change legal to "Beginning" instead of "Commencing" since you do not have to travel to the point of beginning. Location is not within the corporate limits of the City of Tulsa. Various types of shading are not defined. Plats should not refer to proposed improvements. **County Engineer:** Drainage plans must be approved by County Engineer. Correct legal description. Move Sheridan entrance to the south and match up accesses to other Addition. Add another Block as Block 6 is broken by roadway. Incorporate the Block 6 easement. Power company needs to release easement setback/use. Show base flood elevations. Redesign part of the plat.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below. Plat has been revised since original submission.

Waivers of Subdivision Regulations:

1. None requested. (Plans revised to not need length of cul-de-sac waiver.)

Special Conditions:

1. The concerns of the Development Services and Engineering Services staffs 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **APPROVE** the preliminary plat for the Vintage Oaks per staff recommendation, subject to special conditions and standard conditions.

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15. **The Crossing at Battlecreek** – Preliminary Plat, Location: North of East 41st Street and east of South 145th East Avenue (9422) (CD 6)

STAFF RECOMMENDATION:

This plat consists of 382 lots, 18 blocks, on 100 acres.

The following issues were discussed December 5, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3.
2. **Streets:** With dimension lines call out right-of-way along all streets. Where sidewalks are located outside the right-of-way designate sidewalk easement. Include curve data for intersection at 145th East Avenue. Show name for street from 145th East Avenue. Limits of Access and No Access only apply to arterial streets. Remove designation from north property line. Include section on sidewalks.

3. **Sewer:** Several additional easements will be required, such as back to back 11-foot utility easements along the middle of the blocks. Provide width and type of easement for all easements shown. What is the four-foot southwest for where it is shown adjacent to the street? The 15-foot side lot easements for sanitary sewer should be sanitary sewer easements instead of utility easement. If they will be used by other utilities, or if the sewer pipe will be deep, then the width must be increased. Use standard language in the covenants. Take out redundancies. Remove Reserve Area section if there are none. Additional easements required. Make sure that all lots within the development can be served by the proposed sewer main extension. Lots 1 and 2, Block 4 do not appear to abut the sewer main since manholes must extend a minimum of 15 feet into the property to be served.
4. **Water:** On each lot include a 17.5-foot perimeter utility easement. Along South 145th East Avenue show that the existing 12-inch waterline is inside the street right-of-way or a dedicated easement with book and page. Column 4 can be removed because it is a repeat of Column 1. Show the existing location of the 12-inch waterline along South 145th East Avenue. The existing 12-inch waterline must be extended to southwest property corner of this site. Designed waterlines are installed on the south and east sides of streets. Show conduits for water service lines crossing the streets. No dead end water lines; looped waterlines are required.
5. **Storm Drainage:** Place all detention ponds in reserves and add the appropriate standard language to the covenants.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements are needed.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Location map does not show the Range, no e-mail address or surveyor/engineer, scale back the line weight for all but the plat boundary, major street mislabeled – should be 145th Avenue, label streets at intersection, show all bearings and distances on the plat boundary, label the point of beginning, need both graphic and written drawing scale, cannot verify plat boundary. Provide a sheet location map on each sheet to show what area the sheet covers. Addresses are to be shown on the face of plat. Verify street names with Development Services. All abbreviations and symbols should be included in the legend. Reduce line widths so that street names can be more easily read. Infrastructure is not to appear on the face of plat Many lines are inadequately identified. Show all adjacent right-of-way and easements and identify them with their dedication document. Review the subdivision regulations and comply. These are inadequate for preliminary plat. Use City of Tulsa standard language.

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 Development Services and Engineering Services staffs 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.

INTERESTED PARTIES COMMENTS:

Donna Rushing, 15118 East 36th, 74134, expressed concerns with the utility easements and how far north the houses would be developed. Ms. Rushing was concerned with the existing ponds and if they would be filled in.

Applicant's Comments:

Daniel Ellis, 901 North 47th Street, Suite 200, Rogers, Arkansas 72756, stated that all of the lots along the north will have lot lines backing up to the existing fence and there is a 100-foot utility easement along the back of the lots, which prevent any structures being built 100 feet from the line. There is actually a 150-foot utility easement and 50 feet is in the backyards of the subdivision to the north and 100 feet will be in the backyards of the subject subdivision.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to **APPROVE** the preliminary plat for The Crossing at Battlecreek per staff recommendation, subject to special conditions and standard conditions.

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Mr. Wilkerson stated that he will be presenting Item 16 and 17 together.

16. **Z-7246 – Khoury Engineering, Inc.**, Location: East side of South Memorial Drive at East 87th Court, Requesting rezoning from **OL to CS**, (CD-7) (Related to PUD-805) (Continued from 12/4/13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22900 dated July 19, 2013, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject property:

Z-7227 July 2013: All concurred in denial of a request for rezoning a 2+ acre tract of land from AG to CS and approval of OL, on property located on the east side of South Memorial Drive at East 87th Court and also known as the subject property.

BOA-20248-C May 24, 2011: The Board of Adjustment approved a *Minor Special Exception to amend a previously approved site plan* to permit a building floor area addition within an existing structure on property located at 8621 S. Memorial Dr.

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BOA-18541 October 12, 1999: The Board **approved** a *Special Exception* to allow a boys home for up to 14 boys from 13 to 17 years old in current custody of DHS; located on the subject property.

BOA-16226 December 22, 1992: The Board **approved** a *Special Exception* to permit a church owned and operated maternity home to accommodate not more than 12 women in a supervised counseling environment and for an amended site plan review on the subject property.

BOA-15691 April 9, 1991: The Board **approved** a *Special Exception* to permit Use Unit 5 uses (church use and related community, education and recreational facilities) in accordance with an approved developmental master plan; per master plan submitted; subject to City zoning ordinances; subject to the outdoor advertising sign used by the church being brought into compliance with the Zoning Code; and subject to conditions listed in the attached minutes; located on the subject property.

BOA-11193 October 16, 1980: The Board **approved** a *Special Exception* to allow church and church-related activities (this request is to include elementary, junior high, and senior high classrooms, and nursery facilities) with conditions listed in the attached minutes; located on the subject property.

BOA-7930 June 7, 1973: The Board **approved** a *Special Exception* to erect a church in an AG district; located on the subject property.

Surrounding property:

PUD-386-B August 2009: All concurred in approval of a proposed Major Amendment to PUD on a 7± acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91st St and S. Memorial.

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Z-6516 January 1996: All concurred in approval of a request for rezoning a 4.17± acre tract of land from CS to OL to make underlying zoning in PUD-529 into compliance with the Comprehensive Plan, for mini-storage, on property located north of northwest corner of East 91st Street South and South Memorial Drive.

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Z-6475/PUD-529 January 1995: A request to rezone a 4± acre tract from AG to CS and a proposed Planned Unit Development was made for a mini-storage facility. Staff recommended denial of CS zoning and approval of OL with accompanied PUD. TMAPC and City Council concurred in approval of CS zoning and the PUD on property located north of northwest corner of East 91st Street South and South Memorial Drive.

PUD-360-A September 1989: A request for a Major Amendment to PUD-360 was approved to establish stricter setbacks and landscape requirements within the development standards to be more compatible with the surrounding residential development. This major amendment also reallocated floor area within the PUD. Approval was granted for the amendment on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-448 May 1989: All concurred in approval of a proposed Planned Unit Development on a 32.6± acre tract for mixed use development on property located on northeast corner of East 91st Street South and South Memorial Drive

PUD-360 August 1984: All concurred in a proposed Planned Unit Development on a 20± acre tract, zoned CS/RM-0 for a mixed-use development on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-298 January 1983: All concurred in approval of a proposed Planned Unit Development on a 120± acre tract of land for a mixed residential development on property located between East 81st Street and East 91st Street off of South Memorial Drive.

PUD-215 August 1982: All concurred in approval of a request for rezoning a 357.79± acre tract of land for residential and commercial development, subject to conditions on property located between 81st and 91st Streets, west of Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acres in size and is located east side of South Memorial Drive at East 87th Court. The property appears to be vacant and is zoned OL.

SURROUNDING AREA: The subject tract is abutted on the east by undeveloped property, zoned AG; on the north by a private school and church, zoned AG; on the south by a flood plain then further south across the floodplain an office building, zoned CS and RM-1 with a PUD 386-B overlay; and on the west by single family residential development zoned RS-3 and PUD 215-A.

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

The Comprehensive Plan designates South Memorial Drive as a Commuter Street.

Commuter streets are designed with multiple lanes divided by a landscaped median or continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-----------------------------|---------------------------|------------------------|------------------------------|
| South Memorial Drive | Primary Arterial | 120 | 4 + turn lanes |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as part of a 'Town Center' and an 'Area of Growth'.

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.

Staff Comment: This site may never become an integral part of a Town Center because of the significant floodplain boundary on the south side of the project site. Development opportunities in this area should be the type considered on the fringes such as apartments, condominiums, and townhouses. In this instance because of the institutional use north of this site and the small developable area of this property some service and employment use may be appropriate if a PUD overlay is implemented with strict site plan details that effectively integrate that use into the neighborhood. This site should be complementary with the office project south and the residential area west of Memorial.

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.

Staff Comment: This proposed development will provide an effective use of existing infrastructure.

STAFF RECOMMENDATION:

Staff finds that the uses and intensities of the proposed rezoning are:

1) The Town Center designation of the Tulsa Comprehensive Plan does not recommend all the uses allowed in a CS district. The

north end of the Town Center in this area should include “apartments, condominiums, and townhouses with small lot single family homes at the edges” A Town Center may also contain offices that employ nearby residents. These centers should be pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations. Many uses allowed in the CS district are not compatible with the existing development patterns however OL uses would be a more compatible use in this area.

2) CS zoning is not completely in harmony with the existing and expected development of surrounding areas. Straight zoning for CS includes Convenience Goods and Services (use Unit 14), Off Street Parking (Use Unit 10), Adult Entertainment Establishments (Use Unit 12a, if included in a mixed use building), Hotel, Motel and Recreation (Use Unit 19) and other uses that are not in harmony with the surrounding areas.

Therefore, staff does not recommend approval of the zoning request from OL to CS unless accompanied by a Planned Unit Development. In this circumstance staff has met with the applicant who has presented a concurrent application for PUD 805.

In conjunction with PUD 805 staff recommends approval of the applicants request from OL to CS. If under any circumstance PUD 805 is abrogated then CS zoning should be re-considered and appropriate zoning be placed on this site at that time.

Related Item:

17. **PUD-805 – Khoury Engineering, Inc.,** Location: East side of South Memorial Drive at East 87th Court, Requesting a **PUD** for proposed mixed use development, 5,200 square feet of an automatic tunnel car wash in Development Area A and 6,000 square feet of office building in Development Area B, **OL to CS/PUD**, (CD-7) (Related to Z-7246) (Continued from 12/4/13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22900 dated July 19, 2013, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject property:

Z-7227 July 2013: All concurred in denial of a request for rezoning a 2+ acre tract of land from AG to CS and approval of OL, on property located on the east side of South Memorial Drive at East 87th Court and also known as the subject property.

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PUD-215 August 1982: All concurred in approval of a request for rezoning a 357.79± acre tract of land for residential and commercial development, subject to conditions on property located between 81st and 91st Streets, west of Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2± acres in size and is located east side of South Memorial Drive at East 87th Court. The property appears to be vacant and is zoned OL. The property does not have significant terrain considerations for sign design details however the southern boundary of the property is included in a floodplain which will significantly affect the site planning effort in that area.

SURROUNDING AREA: The subject tract is abutted on the east by undeveloped property, zoned AG; on the north by a private school and church, zoned AG; on the south by a flood plain then further south across the floodplain an office building, zoned CS and RM-1 with a PUD 386-B overlay; and on the west by single family residential development zoned RS-3 and PUD 215-A.

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

The Comprehensive Plan designates South Memorial Drive as a Commuter Street.

The most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-----------------------------|---------------------------|------------------------|------------------------------|
| South Memorial Drive | Primary Arterial | 120 | 4 + turn lanes |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as part of a 'Town Center' and an 'Area of Growth'.

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.

Staff Comment: This site may never become an integral part of a Town Center because of the significant floodplain boundary on the south side of the project site. Development opportunities in this area should be the type considered on the fringes such as apartments, condominiums, and townhouses. In this instance because of the institutional use north of this site and the small developable area of this property some service and employment use may be appropriate if a PUD overlay is implemented with strict site plan development standards that effectively integrate that use into the neighborhood. This site should be complementary with the office project south and the residential area west of Memorial.

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.

Staff Comment: This proposed development will provide an effective use of existing infrastructure. With appropriate design considerations that can be required through the PUD process staff does not anticipate a significant negative impact on the residences or existing development in the area.

APPLICANTS DEVELOPMENT CONCEPT:

Legends on Memorial, (PUD-805), is a proposed mixed use development submitted as a Planned Unit Development pursuant to the provisions of the Tulsa Zoning Code. The site is approximately 2.07 acres parcel of land located near 87st Court and Memorial Drive. The subject tract was zoned OL in May 2013. The site is bound by Memorial Drive on the West, the Regent Preparatory School-OK on the north and East side (zoned AG), and TV station (cable channel 47) on the south side (PUD-386).

The site has approximately 300 feet of street frontage along Memorial Drive.

The Comprehensive Plan for the Tulsa Metropolitan Area designates this area land use as Town Center with a Growth Designation.

The proposed use consists of approximately 5,200 square feet of an Automatic Tunnel Car wash in Development area A.

Development area B will consist of a 6,000 square feet of office building. A Conceptual Development Plan for the project is shown on Exhibit "A".

PUD 805 DEVELOPMENT STANDARDS:

This PUD shall be governed by the use and development regulations of the OL Districts of the Tulsa Zoning Code except as follows:

DEVELOPMENT AREA A:

DEVELOPMENT STANDARDS:

Permitted Use: Use Unit 17 but limited to Tunnel Car Wash only; and Use Unit 11, Offices, Studios and Support Services.

Net Development Area: 1.03 Acres (45,000 SF)

Minimum Building Setback:

From East Boundary 17.5 feet

From North Boundary 17.5 feet

From centerline of S. Memorial Rd ROW. 110 feet

From South Boundary. 0 feet

Maximum Building Height 30 feet (Single story)

Maximum Building Floor Area 6,000 SF

Parking Ratio As required by Use Units 11 & 17 of the Tulsa Zoning Code

ARCHITECTURAL STANDARDS:

Except for store front glass and other glass incorporated into the design, the building shall be full masonry exterior construction consisting of brick, stucco, or stone. Cement board siding shall not be considered a masonry product. Accessory structures for vacuum canopy and entrance into the allowed car wash may include fabric, steel or glass.

LANDSCAPE STANDARDS:

A minimum of fifteen percent (15%) of the net land area shall be improved as internal landscape open space in accordance with the Landscape Chapter of the Zoning.

Where a surface parking lot or driveway is constructed parallel to the South Memorial Road Right of way a minimum 10' landscape area will be required between the parking area and the pedestrian pathways. Shrubs, ornamental grass and a berm with a minimum height of 30" from the top of adjacent curbing will be provided to create an effective visual screen from the street right of way.

All other landscape requirements in the Tulsa Zoning Code shall apply.

Within 100 feet of the ultimate street right-of-way all vacuum or outdoor cleaning areas shall be screened with a 6' masonry wall.

LIGHTING:

Exterior lighting, whether ground or building mounted, shall not exceed 16 FT in height and shall be pointed down. 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.

As part of the Detailed Site Plan review an accurate Lighting Plan illustrating light pole and fixture assembly 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 easterly property line.

TRASH CONTAINERS 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; provided, however, the foregoing shall not apply to the antenna and supporting structures.

The dumpster will be screened with masonry walls. Maximum height of screening walls will be less than 8'-0".

SIGNS:

Ground Signs:

One (1) monument sign along South Memorial Drive not exceeding 12 FT in height and 60 SF in display surface area.

Wall Signs:

Wall signs not to exceed two (2) SF per linear foot of building wall. Wall signs are prohibited on the east, sides of the building.

Any wall sign on the west face of the building shall not be illuminated.

Directional Signs:

Two (2) directional signs along ~~East 41st Place South,~~ South Memorial Drive one at each entrance, not exceeding three (3) SF of display surface area.

DEVELOPMENT AREA B:

DEVELOPMENT STANDARDS:

| | |
|----------------------------------|------------------------|
| Permitted Use: | Use Unit 11, Offices. |
| Net Development Area | 1.03 Acres (45,000 SF) |
| Maximum Floor Area Ratio Per Lot | 0.50 |
| Minimum Building Setback: | |
| From East Boundary | 17.5 feet |

| | |
|--------------------------------------|--|
| From North Boundary | 0 |
| From South Boundary | 17.5 feet |
| From the centerline of Memorial Road | 110 feet |
| Maximum Building Height | 38 feet (Not to exceed two stories) |
| Parking Ratio | As required by Use Unit 11 of the Tulsa Zoning Code. |

ARCHITECTURAL STANDARDS:

Except for store front glass and other glass incorporated into the design, the building shall be full masonry exterior construction consisting of brick, stucco, or stone. Cement board siding shall not be considered a masonry product. ~~Accessory structures for vacuum canopy and entrance into the allowed car wash may include fabric, steel or glass.~~

LANDSCAPE STANDARDS:

A minimum of fifteen percent (15%) of the net land area shall be improved as internal landscape open space in accordance with the Landscape Chapter of the Zoning.

Where a surface parking lot or driveway is constructed parallel to the South Memorial Road Right of way a minimum 10' landscape area will be required between the parking area and the pedestrian pathways. Shrubs, ornamental grass and or a berm with a minimum height of 30" from the top of adjacent curbing will be provided to create an effective visual screen from the street right of way.

All other landscape requirements in the Tulsa Zoning Code shall apply.

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One (1) monument sign along South Memorial Drive not exceeding 12 FT in height and 60 SF in display surface area.

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Wall signs not to exceed two (2) SF per linear foot of building wall. Wall signs are prohibited on the east, sides of the building.

Any wall sign on the west face of the building shall not be illuminated.

Directional Signs:

Two (2) directional signs along ~~East 41st Place South,~~ South Memorial Drive one at each entrance, not exceeding three (3) SF of display surface area.

LIGHTING:

Exterior lighting, whether ground or building mounted, shall not exceed 16 FT in height and shall be pointed down. 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.

As part of the Detailed Site Plan review an accurate Lighting Plan illustrating light pole and fixture assembly 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 easterly property line.

DETAIL SITE PLAN REVIEW:

A Detailed Site Plan shall be approved by TMAPC prior to the issuance of a Building Permit. The applicant shall submit the Site Plan to INCOG and supply all information required.

APPLICANT EXHIBITS:

- Exhibit "A" Conceptual Site Plan
- Exhibit "B" Conceptual Drainage Plan
- Exhibit "C" Conceptual Site Utility Plan
- Exhibit "D" Development Area A- Building Concept
- Exhibit "E" Development Area A - Building Concept
- Exhibit "F" Development Area A - Vacuum Canopy
Concept
- Exhibit "G" Development Area A - Monument Sign
Concept
- Exhibit "H" Development Area A - Entrance Canopy
Sample

STAFF RECOMMENDATION:

Staff finds that the uses and intensities of the proposed PUD meet the following Purposes outlined in Chapter 11 of the Tulsa Zoning Code:

- 1) The land use and development standards provided in the Planned Unit Development provide an opportunity to encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
- 2) Permit greater flexibility within the development to best utilize the unique physical features of the site
- 3) Achieve a continuity of function and design within the development.

The proposed Development Standards in the Planned Unit Development are not completely in harmony with the existing and expected development of the Town Center vision however, the PUD provides sufficient limitations against certain uses and provides standards for architectural style, and site development that provide standards for a higher quality development that will provide an appropriate edge between the New Neighborhood and the Town Center vision of the Comprehensive Plan.

Therefore, staff recommends **APPROVAL** of PUD-805 as outlined in the development standards defined above.

TMAPC COMMENTS:

Mr. Carnes asked staff if there has been an access easement to the north and south sides. Mr. Wilkerson stated that on the north side there is no provision for that because it is adjacent to an existing school system. Mr. Wilkerson further stated that mixing the school use with this type of traffic circulation didn't seem appropriate. Mr. Carnes stated that in the past we have made some mistakes and then later on we start correcting them. Mr. Carnes further stated that he believes there should be an easement access to the property line on the south side for future development. Mr. Walker stated that there appears to be stub-out on the plan for the south side. Mr. Dix stated that this would be an issue for the property owners to solve. The stub-out is actually a backup for vehicles to turnaround. Mr. Dix further stated that during the detail site plan it could be required to have the applicant to extend the concrete drive to the property line for future development. Mr. Wilkerson stated that he agrees that in some instances it makes sense to have that type of connectivity between commercial properties, but in this instance this is at the very north end of the development and he doesn't see any future uses going north that would be a commercial use. On the south side there is significant

floodplain and engineering issues. Mr. Dix stated that he agrees that it is good to have connectivity, but this isn't something that the Planning Commission can impose on a site plan, unless both parties are in agreement. Mr. Carnes stated that he is not speaking of cross access at this point, but a single parking lot. Mr. Carnes cited the many times one has to exit on the street and turn back in a few feet away because the Planning Commission wasn't aware of mutual access easements at that time. Mr. Carnes agreed that the north side shouldn't connect due to the school, but he would like to see it on the south side.

Mr. Leighty stated that when there is a long-range strategic development plan in our Comprehensive Plan he doesn't like to go against it unless there was a mistake with the designation. We are not dealing in a vacuum here and if there is an idea of where we want to be 20 years from now and we start chipping away and making changes then there has to be a compelling reasons for that and he doesn't want to deny somebody from developing their property, but he believes office makes more sense here than a car wash. Mr. Wilkerson stated that when staff originally recommended denial of the CS zoning and recommended OL, that was the overriding thought process. When the applicant came back with a PUD overlay and there are significant restrictions for uses and architectural, landscaping, lighting, etc., that help define those edges in a productive way and a more esthetically pleasing way, he believes it is okay here. Mr. Leighty stated that it will still be a carwash and still have traffic in and out right in a school zone. Mr. Leighty further stated that it creates safety issues for the school in his opinion and it is a higher intensity use than what the property is really zoned for.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins, "absent") to recommend **APPROVAL** of the CS zoning for Z-7246 per staff recommendation

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins, "absent") to recommend **APPROVAL** of PUD-805 per staff recommendation and as amended. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for Z-7246:

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF LOT 1, BLOCK 1 OF HIGHER DIMENSIONS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4851, MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, OF HIGHER DIMENSIONS; THENCE N 00°17'09" E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 150.00 FEET; THENCE N 89°59'52" E A DISTANCE OF 300.00 FEET; THENCE S 00°17'09" W A DISTANCE OF 150.00 FEET; THENCE S 89°59'52" W, A DISTANCE OF 300.00 FEET TO **THE POINT OF BEGINNING.**

Legal Description for PUD-805:

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF LOT 1, BLOCK 1 OF HIGHER DIMENSIONS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4851, MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, OF HIGHER DIMENSIONS; THENCE N 00°17'09" E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 300.00 FEET; THENCE N 89°59'52" E A DISTANCE OF 300.00 FEET; THENCE S 00°17'09" W A DISTANCE OF 300.00 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE S 89° 59'52" W, ALONG SAID SOUTH LINE, A DISTANCE OF 300.00 FEET TO **THE POINT OF BEGINNING.**

- 18. **PUD-628-C/Z-6467-SP-7 – Andrew A. Shank**, Location: East side of South Mingo Road at East 93rd Street, Requesting a **Major Amendment/Corridor Development Plan**, (CD-7) (Continued from 12/4/13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19802 dated March 30, 2000, and 18375 dated January 19, 1995, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-628-B/ Z-6467-SP-6 November 2010: All concurred in approval of a proposed Planned Unit Development on a 2± acre tract of land to add veterinarian clinic to permitted uses, on property located north of the northeast corner of South Mingo Road and the Mingo Valley Expressway

PUD-628-A/ Z-6467-SP-5 September 2010: All concurred in approval of a proposed Major Amendment to PUD on a 1200 ± square foot tract of land to allow a communications tower, on property located in the northeast corner of South Mingo Road and the Mingo Valley Expressway

PUD-628/Z-6467-SP-4 March 2000: Approval was granted for a PUD/corridor site plan on a 15.8± acre tract of land, for a proposed assisted living, elderly and retirement facility. Office uses were approved on the southern end of the tract that had originally been approved for a golf pro shop and teaching building on property located in the northeast corner of South Mingo Road and the Mingo Valley Expressway.

BOA-18480 August 1999: The Board of Adjustment denied a request for a variance of the required 1,200' spacing between outdoor advertising signs to 940' to relocate an existing outdoor billboard sign, on property located in the northeast corner of South Mingo Road and the Mingo Valley Expressway.

Z-6467/Z-6467-SP-1 January 1995: All concurred in approval of a request to rezone a 15+ tract of land from AG/CO to CO, on property located south of southeast corner of East 91st Street and South Mingo Road and a part of the subject property. Approval was also granted for a Detail Corridor Site Plan to allow a golf center with driving range, practice and instruction facilities.

Surrounding Property:

Z-6910-AP-2 April 2006: All concurred in approval of a proposed Corridor Site Plan on a 4.45+ acre tract of land for commercial and medical office use on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6910-SP-1 December 2003: All concurred for approval of the proposed Corridor Site plan on a 4.5+ acre tract for a 4-story bank and office building located east of the southeast corner of East 91st Street and South Mingo Road.

Z-6910 October 2003: All concurred in rezoning a 4.5+ acre tract from AG to CO, for office and bank use, on property located east of the southeast corner of East 91st Street and South Mingo Road.

PUD-268-C/Z-6863 August 2002: All concurred in rezoning a 2.46+ acre tract from PUD/RS-3 to PUD/OL and a major amendment to PUD-268-A, per staff recommendation for a 3 building office park located on the south side of East 91st Street South approximately ¼ mile west of Mingo Road.

Z-6538-SP-2 August 1999: All concurred in approval of a Corridor Site (Development) Plan on a 3± acre tract of land for a three-story, 42,500 square foot medical and general office building, on property located south of the southeast corner of South Mingo Road and East 91st Street.

PUD-597/Z-6667 January 1999: All concurred in approval of a request for rezoning and a planned unit development from AG to OL/PUD for an office park on a 6.1+ acre tract located on the northwest corner of South Mingo Road and Highway 169 per staff recommendation.

PUD-268-B June 1997: All concurred in approval of a request for a major amendment on a portion of the original PUD-221 to allow medical and general office use on that portion of the PUD previously approved for multifamily development and located south of the southwest corner of East 91st Street South and South Mingo Road.

Z-6538/Z-6538-SP-1 July 1996: All concurred in approval of a request to rezone a 3.4±acre from AG to CO for a Corridor Site Plan for an inline hockey facility tract located south of the southeast corner of South Mingo Road and East 91st Street.

Z-6503 October 1995: All concurred to approve a request to rezone a 10+ acre from AG to CO, on property located south of the southwest corner of East 91st Street South and South Highway 169.

Z-6194 July 1988: All concurred in approval of a request to rezone a 4± acre tract from CS to CO, on property located east of the southeast corner of East 91st Street and South Mingo Road.

PUD-268/Z-5618 October 1981: Staff and TMAPC recommended denial of a request to rezone 15± acres from RS-3 to RM-2 and recommended approval of RM-1/PUD on property located in the southwest corner of East 91st Street South and South Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2± acres in size and is located east side of South Mingo Road at East 93rd Street. The property appears to be vacant and is zoned CO/ PUD-628/ PUD-628-A.

SURROUNDING AREA: The subject tract is abutted on the east by City of Tulsa property, zoned CO/PUD 628. That property is planned to be used for a stormwater facility; on the north and west the site is surrounded by small local medical facilities and is also zoned CO/PUD 628; on the south by the Creek Turnpike.

UTILITIES: The subject tract is platted and all franchise utilities along with municipal water and sewer service are available.

TRANSPORTATION VISION:

The Comprehensive Plan designates South Mingo as a secondary arterial. There are no multi modal considerations provided in this location.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------|---------------------------|------------------------|------------------------------|
| East 93 rd Street | Secondary Arterial | 100 feet | 4+ |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Regional Centers

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Staff Comment: This major amendment request is to allow a mini storage use and to increase the sign display surface area on the site. Use Unit 16 Mini Storage is not typical associated with a Regional Center concept however in this instance it may be compatible with the development character of the surrounding PUD. Architectural and landscape standards have been implemented as part of the PUD major amendment.

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.

Staff Comment: The major amendment requested for a mini storage may be providing a service to the neighborhood and can be consistent with the general principles of an Area of Growth in some locations. In this particular site where the Comprehensive Plan has defined a major goal to increase economic activity at a regional scale, the existing businesses are not consistent with that goal but they do provide neighborhood and local services. A mini storage business will continue to provide a similar local service.

APPLICANT CONCEPT STATEMENT:

The purpose of PUD Major Amendment No. 628-C (“PUD 628-C”) and Corridor Plan Major Amendment No. Z-6467-SP-7 (“Corridor District Site Plan Z-6467-SP-7”) is to permit Lot 3 of the Cedar Ridge Park to be used for a Use Unit 16, Mini-Storage Facility and to revise the Development Standards for the Cedar Ridge Park concerning the project identification signs (the “Project”).

Lot 3 of Cedar Ridge Park is the last lot to be developed in the business park. The property is abutted by Care Animal Hospital to the North, property owned by the City of Tulsa for an overland drainage easement to the East, U.S. Highway No. 169 to the South, and the Allergy Clinic of Tulsa and a Dentist office to the West.

No rezoning is necessary to support the Project as proposed in this PUD Major Amendment and Corridor District Site Plan.

In addition to the existing Development Standards for the Cedar Ridge Business Park, the Applicant proposes the following additional Development Standards for PUD 628-C and Corridor District Site Plan Z-6467-SP-7 for the Project.

DEVELOPMENT STANDARDS MAJOR AMENDMENT TO CEDAR RIDGE BUSINESS PARK (PUD 628-C AND Z-6467-SP-7)

- I. ADDITIONAL PERMITTED USES: Note: All uses previously defined in PUD 628 A and B are still allowed.

Within Lot 3, Use Unit 16, Mini-Storage. The mini-storage facility constructed on Lot 3 shall include architectural design elements that are consistent with the existing masonry, stone or brick provided in previous development in Cedar Ridge Business Park, including, without limitation, exterior wall design features along the

Eastern and Southern portions of the facility visible to the traffic traveling along U.S. Highway 169.

II. SIGNS:

- A. One (1) ground sign not exceeding 12 FT in height and 32 SF in display surface area shall be permitted on each lot.
- B. Wall signs shall be permitted not to exceed 1.5 SF in display surface area per linear foot of building wall to which attached. The length of wall shall not exceed 75% of the frontage of the building.
- C. Two (2) non-digital project identification signs on South Mingo Road. Each non-digital project identification sign shall not exceed 10 FT in height and 82 SF in display surface area.

III. MINIMUM LANDSCAPED OPEN SPACE:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The landscaping of Lot 3 shall include an area along the Eastern and Southern portions of the tract landscaped with trees in order to appropriately screen the mini-storage use from the traffic traveling along U.S. Highway 169. Trees shall be a deciduous and evergreen mix, placed at a sufficient density and replaced as needed to provide an effective visual buffer.

STAFF RECOMMENDATION:

This major amendment request encourages innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.

This major amendment request for use changes is not consistent with the original planned unit development. However improved standards architectural treatment of the building along with significant landscaping will provide a unified function and design with the development.

This amendment provides meaningful open space and will contribute to the urban forest in Tulsa with the additional placement of at least 45 trees along the Southern and Eastern border of the site.

Therefore staff **recommends approval** of the major amendment request outlined above.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of the major amendment/corridor development plan for PUD-628-C/Z-6467-SP-7 per staff recommendation.

Legal Description for PUD-628-C/Z-6467-SP-7:

Lot 3, Block 1, Cedar Ridge Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

19. **CZ-430 – Glen Sands**, Location: East of northeast corner of West 18th Street and South 81st West Avenue, Requesting rezoning from **RM-2 to IM**, (County)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

No relevant history.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .47± acres in size and is located east of northeast corner of West 18th Street and South 81st West Avenue. The property appears to be single family and is zoned RM-2. The industrial use west of this site owns this tract and has a planned expansion at this location.

SURROUNDING AREA: The subject tract is abutted on the east by single family residential property that is zoned RM-2; on the north by single family residential property that is zoned RM-2; on the south single family residential property that is zoned RM-2; and on the west by an industrial business zoned IM.

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

TRANSPORTATION VISION:

This property is outside the boundary of the Transportation Vision identified in The Tulsa Comprehensive Plan.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------|---------------------------|------------------------|------------------------------|
| West 18 th Street | NA | 50' | 2 |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This property is included in District 10 of the Vision 2000 plan that was adopted in 1976. At that time the plan identified this area as a low intensity plan category where industrial uses were not in accordance with the plan. During the 37 years since the plan was adopted this area has evolved into a mix of industrial and single family uses.

The neighborhood is a neighborhood in transition and there are industrial uses west and south of the site. The plan may not support industrial uses however the development pattern of the area is clearly no longer low intensity.

STAFF RECOMMENDATION:

The rezoning request is consistent with the expected development pattern of the area.

The rezoning request is not injurious to the neighborhood and will ultimately provide jobs and may offer some stability to the neighborhood.

Ultimately the property south of this site and adjacent to the metal salvage business could be rezoned to some form of industrial use. This proposed industrial expansion will encourage future rezoning opportunities for this area.

Therefore Staff recommends approval of CZ-430 to rezone from RM-2 to IM

Applicant's Comments:

Glen Sands, 7905 West 18th Street, 74127, submitted a petition in support of the rezoning (Exhibit B-1) and stated that he will not be doing anything with the property immediately. He explained that he simply wanted all of his property zoned the same. Mr. Sands stated that the issue is the office on the subject property.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of the IM zoning for CZ-430 per staff recommendation.

Legal Description for CZ-430:

LOT 8, BLOCK 2, LAKE SUBDIVISION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 472. **AND** LOT 1, BLOCK 3, LAKE SUBDIVISION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 472. **AND** A TRACT OF LAND BETWEEN LOT 8, BLOCK 2 AND LOT 1, BLOCK 3, LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 18TH STREET SOUTH, LAKE SUBDIVISION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 472, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1, BLOCK 3 A DISTANCE OF 140 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE EASTERLY A DISTANCE OF 40 FEET TO THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 2; THENCE SOUTHERLY A DISTANCE OF 140 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK 2; THENCE WESTERLY 40 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

- 20. **Z-7247 – TMAPC**, Location: North of northwest corner of South 193rd East Avenue and East 51st Street, Requesting rezoning from **RS-3 to RS-4**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 15716 dated June 6, 1983, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

BOA-21600 June 25, 2013: The Board of Adjustment approved a Minor Special Exception to reduce the required front yard from 25 ft. to 20 ft. in and RS-3 district, on property located at 4812 South 191st East Avenue and is a part of subject property.

BOA-21599 June 25, 2013: The Board of Adjustment approved a Minor Special Exception to reduce the required front yard from 25 ft. to 20 ft. in and RS-3 district, on property located at 19128 East 49th Street and is a part of subject property.

Z-5802 May 1983: A request to rezone 23± acres, from AG to CS, RM-1 and RS-3 was approved for CS zoning on five acres at the intersection, RM-0 zoning on a 200' strip bordering the CS on the north and the west and the balance rezoned to RS-3 on property located on the northwest corner of East 51st Street and South 193rd East Avenue and is a part of the subject property.

Surrounding Property:

Z-6999 September 2005: All concurred in approval of a request to rezone a 90± acre tract from RS-3, AG, OL and CS to RS-4 for single-family development, on property located west of the southwest corner East 41st Street South and South 193rd East Avenue

Z-6972/PUD-712 February 2005: All concurred in approval a request to rezone an 8± acres in a wrap-around configuration located north and west of the northwest corner of East 51st Street and South 193rd East Avenue from RM-0 to OL. Approval was also granted for a PUD on the entire northwest corner of this intersection to allow retail development with a proposed mini-storage facility around the commercial corner.

Z-6945 August 2004: All concurred in approval of a request for rezoning a 126.5± acre tract from AG to RS-3 located north and east of the northeast corner of East 51st Street and South 177th East Avenue.

Z-6500 September 1995: All concurred in approval of a request for rezoning a 107± acre tract of land from AG to RS-4, for single-family development, on a property north of East 51st Street between South 177th East Avenue and South 193rd East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10± acres in size and is located north of northwest corner of South 193rd East Avenue and East. 51st Street. The property is developed residentially and is zoned RS-3.

BACKGROUND: The RS-3 zoning was established on the subject site 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.

INCOG staff and City of Tulsa permitting staff reviewed applications under the mistaken belief that the properties within Stone Creek Farms Village were zoned RS-4. However, earlier this year (2013) it came to light during the building permitting process that the zoning of Stone Creek Farms Village is in fact RS-3. This inconsistency in the zoning district and the development standards applied to the lots in the subdivision may present future title issues to property owners.

Pursuant to Section 1703.B. of the Zoning Code, zoning map amendments can be initiated by the Planning Commission. Therefore, staff brought this discrepancy to their attention and on July 10, 2013, the Planning Commission initiated the proposed amendment to RS-4.

Following TMAPC initiation, TMAPC staff notified all property owners in Stone Creek Farms Village of the situation and held two public meetings to discuss and answer questions on August 19 and November 4, 2013. There were eight (8) residents in attendance at the August 19 meeting and five (5) residents present at the November 5 meeting. Despite staff bringing back more detailed information at the second (November 5) meeting, one resident remained in disagreement with the proposed change in zoning to RS-4.

SURROUNDING AREA: The subject tract is abutted on the east by S. 193rd E. Avenue, then A-1 and A-RS-3 zoned properties in the City of Broken Arrow; on the north by undeveloped property with scattered residential and agricultural uses zoned AG; on the south by vacant land, zoned OL/CS/PUD-712; and on the west by Stone Creek Farms II, zoned RS-4.

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

TRANSPORTATION VISION: The Major Street and Highway Plan designated S. 193rd E. Avenue as a Primary Arterial.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-------------------------------------|---------------------------|------------------------|------------------------------|
| South 193 rd East Avenue | Primary Arterial | 120' | 2 |
| East 48 th Place | Residential | 50' | 2 |
| East 49 th Street | Residential | 50' | 2 |
| South 192 nd East Avenue | Residential | 50' | 2 |
| South 191 st East Avenue | Residential | 50' | 2 |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject site is included in the Existing Neighborhood designation of the Tulsa Comprehensive Plan which is defined as follows:

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.

The site is also designated as an Area of Stability which is defined as follows:

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 Comment: This is a unique situation in that Stone Creek Farms Village was assigned the Existing Neighborhood and Areas of Stability designations at the time of the adoption of the Tulsa Comprehensive Plan as a predominantly built out subdivision. The proposed rezoning of Stone Creek Farms Village to RS-4 remains consistent with the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

City of Tulsa permitting staff have compiled the existing bulk and area requirements of the lots in the Stone Creek Farms Village subdivision (see attached), which confirms that they more appropriately conform to RS-4 standards.

The RS-4 zoning request is consistent with the Tulsa Comprehensive Plan and the existing and anticipated future development in the surrounding area.

Therefore, staff recommends **APPROVAL** of Z-7247 to rezone Stone Creek Farms Village from RS-3 to RS-4.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7247 per staff recommendation.

Legal Description for Z-7247:

All of Stone Creek Farms Village, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

- 21. **Z-7248 – Mike Bevens**, Location: West of southwest corner of East Pine Street and North 145th East Avenue, Requesting rezoning from **AG to IL**, (CD-3)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

Z-7171 August 2011: All concurred in approval of a request for rezoning a 10± acre tract of land from AG to IL for future industrial use, on property located north of northeast corner of East Pine Street and North 129th East Avenue.

Z-6885 April 2003: All concurred in approval of a request for rezoning a .77± acre tract of land from RS-3 to IL for customizing autos, on property located on the northeast corner of East Pine Street and North 129th East Avenue and south of subject property.

Z-6388 February 1993: All concurred in approval of a request for rezoning a 3± acre tract of land from AG to IL for a trucking company, on property located east of the southeast corner of East Pine Street and South 129th East Avenue.

Z-6280 February 1990: An application was filed requesting the rezoning a 19± acre tract from AG to IH for an asphalt batch plant, on property located east of the southeast corner of East Apache Street and North 129th East Avenue. Staff and TMAPC recommended denial of IH and recommended restricting the IM zoning to the westerly portion to protect the residential use on the northeast, and to recommend IL zoning on the east 300'. The City Commission concurred in approval per TMAPC and staff recommendation.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.5± acres in size and is located west of southwest corner East Pine Street and North 145th East Avenue. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by single family residence, zoned AG; on the north by vacant property, zoned CH; on the south by vacant property, zoned IL; and on the west by vacant property, zoned IL.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East Pine as a secondary arterial street. The Major Street and Highway Plan does not extend the multimodal component anticipated for Pine Street east of 129th East Avenue.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-----------------------------|---------------------------|------------------------|------------------------------|
| East Pine Street | Secondary Arterial | 100' | 2 |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Z-7248 is designated as an Area of Growth in the Stability and Growth 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 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.

Z-7248 is designated as Employment Area on the land use maps in the Comprehensive Plan.

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 RECOMMENDATION:

This rezoning request is consistent with the Land Use designation as defined in the Comprehensive Plan.

The rezoning request is compatible with the anticipated growth and development pattern in the area.

The request for rezoning from AG to IL is not injurious to the properties surrounding the site.

Therefore staff recommends **APPROVAL** of Z-7248 to rezone from AG to IL

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of the IL zoning for Z-7248 per staff recommendation.

Legal Description for Z-7248:

The west 230.42 ft of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 33, T-20-N, R-14-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, containing 3.5 acres of land, more or less.

* * * * *

- 22. **Z-7249 – TMAPC**, Location: Northeast of West 21st Street at South Riverside Drive, Requesting rezoning from **RM-2 to RS-4**, (CD-4)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

Z-6331 January 1992: All concurred in approval of a request for a Historic Preservation (HP) overlay zoning on a 1± acre tract of land on property located on the north and south sides of West 8th Street at South Cheyenne Avenue.

BOA-21641 December 10, 2013: The Board of Adjustment **denied** a *Variance* to reduce the setback for a 2-Story building from 50' to 47' (Sec.403.A.1); *Variance* to reduce the required front yard setback from 35' to 12' (Sec.403.A Table 3), and a *Variance* to reduce the front yard setback from 70' to 47' in the RM-2 District (Section 403.A, Table 3); on property located at 1935 South Cheyenne West Avenue.

BOA-21413 May 8, 2012: The Board of Adjustment **denied** a *Variance* of building setback from an arterial street from 35 ft to 10 ft (Section 403 Table 3), a *Variance* of the building setback from an RS District for two-story multifamily dwellings from 50 feet to 10 feet (Section 403.A.1); and a *Variance* of the building setback from an RS District for three-story multifamily dwellings from 75 feet to 10 feet (Section 403.A.1); on property located at 1935 South Cheyenne Avenue.

BOA-20018 April 12, 2005: The Board of Adjustment **approved** a *Variance* of the single-story limitation for multifamily dwellings within 50 feet of an RS district to allow a two story multifamily dwelling in an RM-2 district; and a *Variance* of the 10 ft side yard setback on the south side of Lot 21; on property located at 1935 South Cheyenne Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4+ acres in size and is located northeast of West 21st Street at South Riverside Drive. The property appears to be used as single-family residential and is zoned RM-2.

BACKGROUND: In 1970 this area was zoned RM-2 as part of the City wide zoning associated with the adoption of our current zoning code and policies. At that time this neighborhood was already single family residential property. The area is not part of a Historic Preservation (HP) zoning overlay; however, it is part of the Buena Vista Historic District recognized by the Tulsa Preservation Commission and is on the National Register of Historic places.

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 Comprehensive Plan designates the property "Downtown Neighborhood" which would be consistent with RS-4 zoning.

Pursuant to Section 1703.B. of the Zoning Code, zoning map amendments may be initiated by the Planning Commission. October 2nd, 2013 the Planning Commission authorized staff to review and initiate a rezoning request from RM-2 to RS-4.

November 5th 2013 INCOG staff sponsored a public meeting at the Greek Orthodox Church where 15 members of the neighborhood and surrounding areas attended. There were no protestants at that meeting.

SURROUNDING AREA: The subject tract is abutted on the east by Council Oak Park, office, and multifamily residential properties, zoned HP, OM, RM-2 and CH; on the north by various multifamily residential uses, zoned RM-2; on the south by a small RM-2 lot which is adjacent to right of way for the West 21st Street Bridge over Riverside Drive, zoned RS-2; and on the west by multi family, zoned RM-2.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates all of the streets as residential streets and the minimum right of way designation for this area is 50' in all instances.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------|---------------------------|------------------------|------------------------------|
| South Cheyenne Avenue | NA | 50 feet | 2 |
| South Carson Avenue | NA | 50 feet | 2 |
| West 19 th Street | NA | 50 feet | 2 |
| West 18 th Street | NA | 50 feet | 2 |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan recognizes this area as an existing Downtown Neighborhood and recognizes the importance of preserving downtown historic neighborhoods. Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The entire area is included in an Area of Stability on the Growth and Stability map. 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 Comment: The rezoning request will add a component of stability to this single family residential neighborhood that does not currently exist with the existing multifamily zoning that covers the area. As the density of the Downtown Neighborhood area increases the single family zoning at this location will help maintain the character and integrity of this small neighborhood and provides an important housing option to this part of Tulsa.

STAFF RECOMMENDATION:

The property owners in the neighborhood started the process and have provided significant and important assistance in preparing the analysis and support for this re-zoning. Without their support and organization the rezoning request for this important neighborhood would never have been initiated by TMAPC.

The rezoning request is consistent with the Comprehensive Plan in this area.

Z-7249 rezoning request from RM-2 to RS-4 is consistent with the Buena Vista Historic District register of Historic Places.

There has been no attempt to determine if all lots are consistent with the bulk and area requirements of RS-4 standards. Staff is confident that some lots are legally non conforming lots under the current zoning designation and will continue to be legal non conforming lots however there is no current zoning designation that will satisfy all of those standards.

Staff supports the neighborhood in this request and therefore recommends **APPROVAL** of Z-7249 to rezone all lots in the request from RM-2 to RS-4.

TMAPC COMMENTS:

Mr. Leighty asked staff if it would possible to apply any zoning district to this subject area without making it non-conforming and having consequences on surrounding properties. Mr. Wilkerson stated that there is nothing in our Zoning Code that would fit the existing character of the

neighborhood that wouldn't have some effect to the neighbors and the existing residents in the subject area. Mr. Leighty asked if this is the best solution that can be done and try to satisfy the needs of the existing property owners and looking at the future trends. Mr. Wilkerson stated that with the straight zoning categories this is the only thing we can do. The only additional thing that could be done is to have an HP overlay at some point.

INTERESTED PARTIES COMMENTS:

Malcolm Rosser, 321 South Boston Avenue, Suite 500, 74103, stated that he owns property adjacent to the neighborhood under application. Mr. Rosser further stated that the neighborhood meeting was held only for the homeowners and not the adjacent property owners. Mr. Rosser indicated that his main concern is the affect the proposed zoning would have on adjoining properties. Mr. Rosser stated that if something should happen to his property he would have to rebuild it with new setbacks that would be difficult to meet if the neighborhood is rezoned to RS-4. Mr. Rosser referred to the River Plan and what it calls for the subject area development.

TMAPC COMMENTS:

Mr. Leighty stated that Mr. Rosser keeps referring to this as a violation, but wouldn't the real term be a legal non-conforming use. Mr. Rosser stated that it would be a violation of the setback requirements. Mr. Leighty asked how it could be violating if it is a legal non-conforming use. Mr. Rosser stated that it is because it wouldn't be conforming to the Zoning Code. Mr. Leighty stated that in his view that doesn't mean that the existing buildings are violating anything. Ms. VanValkenburgh stated that it would be legal non-conforming use and the question is what could be done with it if something should happen to it. Mr. Leighty stated that Mr. Rosser wouldn't really be affected by the rezoning; it would only be his neighbor. Mr. Rosser explained that he is representing them today and they would be affected. Mr. Leighty thanked Mr. Rosser for restoring a historic property. Mr. Leighty asked Mr. Rosser if he had any plans to take his building down and build something new. Mr. Leighty stated that he doesn't really see where Mr. Rosser would be affected on his two properties today by this rezoning application. Mr. Rosser stated that what the affect would be is the ability to a larger redevelopment if it were to happen in an area that has been designated as a redevelopment area. Mr. Leighty asked Mr. Rosser if he could see how hard that would be for a Planning Commissioner, speaking only for himself, to try and play the what-if-game. Mr. Rosser stated that the rezoning would effectively prevent him from rebuilding and restoring if his property were to be damaged. Mr. Rosser stated that the question is should the desire to preserve these homes through a zoning change that would have negative consequences on the properties.

Mr. Carnes out at 2:50 p.m.

Mr. Midget in at 2:55 p.m.

In response to Mr. Walker, Mr. Rosser stated that the subject area is prime for some type of mix use, whether it is a hotel, condo, restaurants, etc. Mr. Leighty stated that under this scenario the single-family residents would be in the same situation if they don't rezone. Mr. Rosser stated that single-family residences are a mixed use. Mr. Rosser cited the areas that are zoned RM-2, including his properties.

Mr. Dix asked if Mr. Rosser could rebuild, if it is over 50% damaged, to its preexisting condition. Ms. VanValkenburgh stated that the applicant would have to go before the Board of Adjustment for relief.

INTERESTED PARTIES COMMENTS:

Chip Atkins, 1638 East 17th Place, 74120, stated that he was in support of the rezoning in order to protect the single-family homes. Mr. Atkins cited the various neighborhoods that were blanket zoned many years ago and about the importance of preserving older neighborhoods.

Kathy Sorenson, 1912 South Cheyenne, 74119, stated that she lives in a home that is adjacent to apartments. She explained that all the neighborhood is trying to do is protect their single-family homes that they have invested a lot of money into.

Demetrius Bereolos, 1929 South Cheyenne, 74119, stated that he is in support of the rezoning to protect the homes. There has always been a good balance in the subject area. Mr. Bereolos stated that if the apartment property owners decided to sell their property it wouldn't prevent economic development, but they would have to follow the requirements for setbacks and if they have a reasonable request they can go before the Board of Adjustment.

Amanda DeCort, City of Tulsa Planning Department, Preservation Commission, stated that the Preservation Commission did look at this application at the request of Mr. Wilkerson. The Preservation Commission feels very strongly that the residential homes should be zoned to reflect that it is a single-family district. Ms. DeCort stated that the Preservation Commission has worked with Riverview Neighborhood in the past because they initiated their National Register nomination and surveys. The City of Tulsa has invested a fair amount of resources by inventory the resources and getting it nominated to the National Register of Historic places. Ms. DeCort indicated that the Buena Vista neighborhood is one section of the larger Riverview Neighborhood Association. Ms. DeCort

stated that she would be happy to discuss HP zoning with the neighborhood, but one thing she feels that is necessary to note for everyone is that HP zoning does not have purview over the use. HP Zoning only deals with the design of the property and adding HP zoning would change anything whether it would remain a single-family home.

Steve Cabbage, 611 West 19th Street, 74119, stated that he owns one of the units in River House. Mr. Cabbage further stated that he also owns property in the Riverview area. Mr. Cabbage requested that the rezoning not be done until it is determined what the rezoning would do to the adjoining properties. Mr. Cabbage suggested that an alternative be done to accommodate everyone.

Mr. Dix asked Mr. Cabbage if it gives him any comfort knowing that one can go before the Board of Adjustment and ask for relief on setbacks. Mr. Cabbage answered negatively. Mr. Cabbage requested that this item be tabled until everyone could meet with staff and come up with an alternative.

Lori Cain, 1929 South Cheyenne, 74119, stated that she supports the rezoning to RS-4. Ms. Cain further stated that the homeowners were not aware that they were rezoned years ago to RM-1. The neighborhood has a high density of offices, townhomes and condominiums and she appreciates the diversity of the neighborhood and makes it unique. Ms. Cain indicated that there were five to six large orange signs posted within the neighborhood for approximately two weeks. She stated that if someone didn't know about the proposal it would be because they do not live within the neighborhood. She explained that the neighborhood is not trying to damage anyone's property, but only trying to protect the single-family neighborhood. Ms. Cain stated that she understands that if something should happen to the existing apartments as the zoning stands now, they still wouldn't be able to build back as they are now because they do not meet the current Zoning Code. Ms. Cain concluded that her husband has lived in their home for 59 years and most of her neighbors have lived in their homes five to twenty years. Ms. Cain stated that the neighbors spend a lot of money improving their homes and restoring them respecting the year in which they were built. The developers are swarming around the neighborhood and why does the developer's right trump the homeowner's right. The neighborhood is trying to preserve and protect our homesteads.

Pam Rosser, 2715 East 22nd Place, 74114, co-own and manager Rosser Properties, LLC, stated that she purchased her property because she loved the area, but there are some houses within the neighborhood that she didn't like because they hadn't been restored. Ms. Rosser stated that she did receive notice and she did see the yellow signs posted in the

neighborhood. Ms. Rosser requested a continuance so that she can meet with the neighborhood and do more study.

TMAPC COMMENTS:

Mr. Walker asked Mr. Wilkerson if he believes a continuance and another meeting is warranted. Mr. Wilkerson stated that the real question is pretty clear in his mind. There is a request to consider rezoning a parcel of land to a single-family residential and there is nothing in our Code that we can do to accommodate both the multifamily and single-family sites. Everyone is working on the same table here, but the way the current Code is written there isn't a lot of flexibility. Mr. Wilkerson stated that the multifamily could organize together and go to the Board of Adjustment and get their variances now.

Mr. Midget asked if the mixed-use designation with the new Zoning Code will give them any relief. Mr. Wilkerson stated that he doesn't know enough about the specific details to know if it would help them. This is a prime example of why our Zoning Code doesn't work.

Mr. Leighty asked if the RM-2 owners could file a PUD. Mr. Wilkerson stated that it would have the same effect as the Board, and in fact, it might actually be better.

Discussion ensued discussing the various options that could be done to help protect the single-family homes and the RM-1 zoned properties. There was discussion whether or not existing properties could be rebuilt after a natural disaster if the neighborhood was rezoned. After discussion it was determined that this case should be continued to January 22, 2014 to allow the neighbors and apartment property owners to meet.

Mr. Leighty indicated that he would be opposed to a continuance. Mr. Leighty stated that the Planning Commission has an opportunity to right an injustice that was created with the blanket zoning and return the single-family neighborhood to residential designation.

Mr. Midget stated that he has been on the Planning Commission since 1990 and the Planning Commission does not favor one group over another. In the past the Planning Commission has asked both parties to meet and work out solutions and have been successful.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **7-1-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; Leighty "nay"; none "abstaining"; Carnes, Edwards, Perkins, "absent") to **CONTINUE** Z-7249 to January 22, 2014.

* * * * *

23. **PUD-806 – Roy D. Johnsen**, Location: North of northwest corner of South Sheridan Road and East 121st Street, Requesting a **PUD** to create nine lots designed for single-family detached dwellings, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 14355 dated January 15, 1979, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-5170 January 1979: All concurred in approval of a request for rezoning a 5± acre tract of land from AG to RS-1 on property located north of northwest corner of South Sheridan Road and East 121st Street and also known as the subject property.

BOA-21610 August 13, 2013: The Board of Adjustment denied a Variance to reduce the minimum street frontage requirement from 30 ft. to 0 ft. to permit a lot-split, on property located at 11908 South Sheridan Road and also known as the subject property.

Surrounding Property:

PUD-759 July 2008: All concurred in approval of a proposed Planned Unit Development on a 10± acre tract of land for single-family and commercial on property located northwest corner of East 121st Street South and South Sheridan Road and abutting south of subject property.

PUD-677-A May 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development on a 9.6± acre tract of land to add nine acres of property to the original PUD, on property located west of northwest corner of South Sheridan Road and East 121st Street South and abutting the subject property to the west.

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15± acre tract from AG to RS-1/ PUD for residential development, located on East 116th St., directly south of South Hudson Avenue.

PUD-677 February 2003: All concurred in approval of a Planned Unit Development on a 13± acre tract for single-family development located west of northwest corner of South Sheridan Road and East 121st Street South.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3± acre tract from AG to RS-2/PUD for residential development, located south and west of the Southwest corner of E 116th St. and S Hudson Ave.

Z-6702 September 1999: All concurred in approval for a request to rezone a 10 acre tract from AG to CS/RS-3 for commercial and residential development, located on the Northwest corner of E. 121st and S. Sheridan Rd. Approval for CS on the South 467' x 467' corner and the balance RS-3 located East of subject property.

Z-6457 September 1994: All concurred in approval of a request to rezone a 13-acre tract located west of the northwest corner of E. 121st Street S. and S. Sheridan Road from AG to RS-1.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size and is located north of northwest corner of South Sheridan Road and East 121st Street. The property appears to have one residence, and is zoned RS-1.

SURROUNDING AREA: The subject tract is abutted on the east by South Sheridan Road, further east across Sheridan is vacant property, zoned RS-2 (PUD-52) which is in the City of Bixby; on the north by single-family residential property, zoned AG; on the south by single-family residential property which is part of a larger Planned Unit Development and is zoned RS-3/CS/PUD-759; and on the west by single-family residential property, zoned AG and RS-1/PUD-677-A.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not include a multi modal designation for this section of South Sheridan Road.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-----------------------------|---------------------------|------------------------|------------------------------|
| South Sheridan Road | Secondary Arterial | 100' | 2 |

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Designation:

PUD 806 is entirely within an Existing Neighborhood land use designation. An 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.

Growth and Stability Designation:

This PUD is part of an area mapped as an Area of Stability in the Growth and Stability map. 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 Comment: PUD 806 is consistent with the vision identified for appropriate infill in Existing Residential Neighborhood and Areas of Stability.

APPLICANTS DEVELOPMENT CONCEPT:

The subject property comprises five (5) acres of gross land area (hereinafter the "Property" or the "Site" located approximately 660 feet north of the northwest corner of the intersection of South Sheridan Road and East 121st Street South. Within the site there is an existing single-family residential dwelling which will remain.

The development concept is to create nine (9) lots designed for upscale single-family detached dwellings within a gated community. As part of the effort to keep the existing home and provide opportunities to save as many of the large trees on the tract as possible the street providing access will be private and gated. The private street right of way may be platted as a reserve area and will be approximately 40' wide at its narrowest location.

The present zoning of the Property is RS-1 and the proposed nine (9) residential lots in the aggregate substantially exceed the land area per dwelling required within an RS-1 District. With the exception of one lot (Conceptual Site Plan Lot-3) the lots will exceed the conventional minimum lot size of 13,500 square feet. Lot 3 will be approximately 12,100 square feet in size.

There is substantial diversity of lot sizes in part resulting from the commitment to preserve mature trees where practical.

APPLICANTS REFERENCED EXHIBITS:

- Exhibit 1 Conceptual Site Plan
- Exhibit 2 Development Area
- Exhibit 3 Site Utilities
- Exhibit 4 Topography
- Exhibit 5 Tree Survey
- Exhibit 6 Site Aerial

PUD 806 DEVELOPMENT STANDARDS:

Gross land area: 5 acres

Permitted uses:

Detached single-family residences and customary accessory uses as allowed in an RS-1 District.

Maximum Dwelling Units: 9

Minimum Lot Width: 100 feet

Minimum Lot Size: 12,100 square feet

Minimum Livability Space Per Lot:
5,000 square feet (Open space not allocated to parking or drives but includes drives within the rear yard)

Maximum Building Height: 40 feet

Minimum Setbacks:

From centerline of South Sheridan 70 feet
From private street right of way or reserve area 20 feet*
From North boundary of PUD 20 feet
From West boundary of PUD 20 feet
From South boundary of PUD 20 feet
From interior side lot lines 10 feet

*Minimum setback from the private street right of way / reserve area as applied to Lot 7, shall be 15 feet

Other Bulk and Area Requirements:

As provided within an RS-1 District

Off-street parking:

Within each lot, a minimum of two (2) garage spaces shall be provided.

The maximum area of off-street parking within a required front yard shall be 550 square feet.

ACCESS AND CIRCULATION:

Vehicular access shall be derived from South Sheridan Road. Interior vehicular access shall be derived from a private drive extending west from South Sheridan. The materials and construction standards and specifications for the private street inside the private street right of way shall meet or exceed the City of Tulsa standards for minor residential streets.

Sidewalks shall be constructed and maintained in the South Sheridan Road right of way and inside the PUD on both sides of the private street.

UTILITIES AND DRAINAGE:

Utilities are either available at the development boundaries or will be provided by customary extension to serve all the lots ultimately created by the Subdivision Plat. Utilities and site drainage will meet or exceed the minimum standards defined by permitting process outside the PUD process.

There are no significant concerns regarding the Planned Unit Development related to any of the infrastructure requirements for utilities and drainage.

Topography generally slopes toward the south into an existing subdivision. There are no significant concerns that would affect site plan development or PUD development standards.

SITE PLAN REVIEW:

For the purposes of site plan review requirements, the approved final plat shall constitute the required detailed site plan, provided however, gating of private access shall require submission and approval of a supplemental detailed site plan including details for screening fencing along South Sheridan, gate placement with appropriate details as may be required and landscaping.

PLATTING REQUIREMENT:

No building permit for a single-family residential structure shall be issued until the area comprising the Planned Unit Development 806 has been included within a subdivision plat submitted to and approved by the Tulsa

Metropolitan Area Planning Commission and the Tulsa City Council and duly filed of record.

Building permits (if required) for fencing along South Sheridan, retaining walls that may be required for infrastructure improvements, and entry gates may be issued prior to completion of the Final Plat.

STAFF RECOMMENDATION:

PUD-806 is consistent with the stated purposes of the PUD chapter of the Tulsa Zoning Code

The Planned Unit Development is an infill project that is consistent with the concepts presented in the Existing Neighborhood and Areas of Stability sections of the Comprehensive Plan.

The Planned Unit Development is in harmony with the existing and expected development of the surrounding areas,

Therefore staff recommends **APPROVAL** of PUD-806 as outlined in the Applicants Development Concept, referenced exhibits and development standards outlined above.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Dix, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to recommend **APPROVAL** of PUD-806 per staff recommendation, subject to amended language submitted by the applicant (Exhibit D-1). (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-806:

The S/2 of the NE/4 of the SE/4 of the SE/4, Section 34, T-18-N, R-13-E, Tulsa County, State of Oklahoma, and containing 5 acres more or less.

* * * * *

OTHER BUSINESS

24. Commissioners' Comments: None.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Dix, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **ADJOURN** TMAPC meeting No. 2664.

ADJOURN


There being no further business, the Chair declared the meeting adjourned at 4:05 p.m.

Date Approved:

01-22-2014


Chairman

ATTEST:


Secretary