

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2696

Wednesday, April 15, 2015, 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	Liotta	Fernandez	VanValkenburgh, Legal
Covey		Hoyt	Warlick, COT
Dix		Huntsinger	Bishop, Consultant
Fretz		Miller	
Midget		White	
Millikin		Wilkerson	
Reeds			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, 26, 2015 at 3:37 p.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 Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Covey reported that Governor Fallin has appointed Commissioner Liotta to serve as the Worker's Compensation Commissioner and will be leaving the TMAPC in August. Mr. Liotta will continue to serve until that time and the County Commissioners will appoint a new member.

Director's Report:

Ms. Miller reported on the City Council and BOCC agenda and upcoming cases.

Ms. Miller reported that the River Design Committee has continued to meet and Mr. Reeds is on that committee.

Ms. Miller reported that the Zoning Code update is still moving along and Mr. Kirk Bishop is here today to report on that. Ms. Miller stated that she has attended several public meetings and there is a lot of good feedback.

Mr. Kirk Bishop, Duncan Associates, stated that today he will be attending several meetings with staff, various committees and community groups.

Ms. Miller reported that the Crosbie Heights Small Area Plan was officially kicked off in the neighborhood last night and she has heard that it was the best yet. Ms. Miller indicated that she will keep the Planning Commission updated as it progresses.

Mr. Midget thanked Mr. Bishop for keeping the Planning Commission apprised early at each stage of the Zoning Code update process.

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1. **Minutes:**

Approval of the minutes of April 1, 2015 Meeting No. 2695

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-1 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker “aye”; no “nays”; Stirling “abstaining”; Liotta “absent”) to **APPROVE** the minutes of the meeting of April 1, 2015, Meeting No. 2695.

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CONSENT AGENDA

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

2. **LS-20772** (Lot-Split) (County) – Location: South of the southeast corner of East 171st Street South and South Sheridan Road (Related to LC-652)
3. **LC-652** (Lot-Combination) (County) - Location: South of the southeast corner of East 171st Street South and South Sheridan Road (Related to LS-20772)
4. **LS-20773** (Lot-Split) (County) - Location: South of the southeast corner of East 171st Street South and South Sheridan Road (Related to LC-651)
5. **LC-651** (Lot-Combination) (County) – Location: South of the southeast corner of East 171st Street South and South Sheridan Road (Related to LS-20773)

6. **LC-653** (Lot-Combination) (County) – Location: North of the northwest corner of West 8th Street South and South 176th West Avenue
7. **LS-20774** (Lot-Split) (County) – Location: South of the southeast corner of East 139th Street North and North Yorktown Avenue
8. **LC-654** (Lot-Combination) (CD-9) – Location: North of the northeast corner of East 36th Street South and South Florence Place
9. **LC-655** (Lot-Combination) (CD-2) – Location: East of the northeast corner of West 47th Street South and South Santa Fe Avenue
10. **LC-656** (Lot-Combination) (CD-7) – Location: Northeast corner of East 51st Street South and South 87th East Avenue
11. **LC-657** (Lot-Combination) (CD-4) – Location: Northwest corner of West 6th Street South and South Cheyenne Avenue
12. **LC-658** (Lot-Combination) (County) – Location: Northeast corner of West 59th Street South and South 66th West Avenue
13. **LS-20776** (Lot-Split) (CD-8) – Location: Northeast corner of East 101st Street South and South 74th East Avenue
14. **Lot 3, Lot 1, Meadowbrook Chase, Lot 1, Block 1, TTCU South – Change of Access**, Location: East of northeast corner of South Mingo Road and East 81st Street South, (CD-7)

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift two access points along East 81st Street South. The Property is zoned CO/PUD-531.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

15. **Wind River Crossing – Final Plat**, Location: West of the northwest corner of East 121st Street South and South Yale Avenue, (CD 8)

STAFF RECOMMENDATION:

See Item below:

16. **PUD-221-F-4 – Shaw Homes**, Location: Northwest corner of East 129th East Avenue and East 43rd Street South, requesting a **PUD Minor Amendment** to increase allowable front yard coverage from 30% to 50%, **RD/PUD-221-F**, (CD-6)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to increase the allowable front yard coverage of the subject lot from 30% to 50%

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, 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.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-221F and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase the allowable front yard coverage of the subject lot from 30% to 50%.

17. **PUD-151-1 – Four Season’s Sunrooms/Jana McBride**, Location: 3305 East 68th Place South, requesting a **PUD Minor Amendment** to modify Development Standards to allow solarium to be constructed on Lot 3, **RS-2/PUD-151**, (CD-8) (Continued from 4/1/15)

STAFF RECOMMENDATION:

Amendment Request: To modify Development Standards to allow a solarium to be constructed on Lot 3.

PUD-151 limited Lot 3 to open space recreational use only. The applicant is proposing to add a solarium to Unit 8, located on Lot 5, with the solarium extending into Lot 3. The applicant has provided a letter from the Drawbridge Home Owner’s Association, stating that they approve of the applicant’s proposed addition.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.1 PUD Section of the City of Tulsa Zoning Code.

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-151 shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to modify the Development Standards to allow a solarium to be constructed on Lot 3.

18. **PUD-799 – River Parks Authority/Tulsa’s Gathering Place**, Location: North of the Intersection of South 31st Street and Riverside Drive, requesting a **PUD Detail Site Plan** for a new park and accessory buildings within the PUD, **CO/PUD-799**, (CD-4)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 66.5 Acre site in a Planned Unit Development for a new park including one, two story lodge, one, one story cabana, one, two story boathouse, one, one story maintenance facility and one, one story comfort station.

PERMITTED USES:

Park use as permitted within Use Unit 5, Community Services & Similar Uses and customary accessory uses including but not limited to museums, restaurants, maintenance buildings and educational facilities. The park and accessory buildings proposed for this project are allowed by right.

DIMENSIONAL REQUIREMENTS:

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the

previously approved Planned Unit Development are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

LIGHTING:

Site lighting plans provided. General purpose pole-mounted exterior lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties.

SIGNAGE:

The site plan illustrates some examples of directional signage. Signs shall be limited to park identification and signs identifying destinations within the site. Only small tasteful signs that are consistent with the neighborhood and provided park identification and direction will be proposed.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays extensive pedestrian pathways throughout the site. Pedestrian pathways are also shown along Riverside Drive. Land bridges are shown, providing pedestrian access to the park on the east side of Riverside Drive as well as the west.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-799**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new park and accessory buildings.

(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)

Ms. Millikin requested that Item 15, Wind River Crossing, be removed from the consent agenda. Ms. Millikin stated that she will be recusing from Item 15.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the consent agenda Items 2 through 14 and 16 through 18 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

15. **Wind River Crossing** – Final Plat, Location: West of the northwest corner of East 121st Street South and South Yale Avenue, (CD-8)

STAFF RECOMMENDATION:

This plat consists of 65 lots, four blocks on 18.9 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-1** (Carnes, Covey, Dix, Fretz, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; Millikin "abstaining"; Liotta "absent") to **APPROVE** the final plat for Wind River Crossing per staff recommendation.

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

PUBLIC HEARINGS:

19. **Open Arms Child Development Center – Minor Subdivision Plat**, Location: North of the northeast corner of East 51st Street South and South 177th East Avenue, (CD-6) (Continued from 12/17/14, 1/21/15, 2/18/15 and 3/18/15) (**Applicant requests continuance to 5/6/2015**)

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **CONTINUE** the minor subdivision plat for Open Arms Child Development Center to May 6, 2015.

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20. **Z-7296 – Simon Acquisition II, LLC**, Location: Northeast corner of Highway 75 and West 61st Street, requesting rezoning from **OL/CS/CO to CO**, (CD-2) (Continued from 3/18/15) (**Applicant is requesting a continuance to June 17, 2015**)

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **CONTINUE** Z-7296 to June 17, 2015.

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21. **Z-7296-SP-1 - Simon Acquisition II, LLC**, Location: Northeast corner of Highway 75 and West 61st Street, requesting rezoning Corridor Development Plan, **OL/CS/CO to CO/Z-7296-SP-1**, (CD-2) (Continued from 3/18/15) (**Applicant is requesting a continuance to June 17, 2015**)

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **CONTINUE** Z-7296-SP-1 to June 17, 2015.

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22. **LS-20775** (lot-Split) (County) – Location: West of the southwest corner of East 161st Street South and South 161st East Avenue

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an existing AG (Agriculture) tract into four tracts.

The following relief was granted by the County Board of Adjustment on March 17, 2015: Variance of the minimum required frontage on a public street from 30' to 0' to permit Tracts B, C and D; Variance of the minimum lot area requirement in an AG district to permit Tract A (1.55 acres); Variance of the required land area per dwelling unit from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres) and Tract D (2.06 acres).

Technical Advisory Committee met on April 2, 2015. The County Engineer is requesting a 50' right of way Easement along East 161st Street South.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20775 per staff recommendation.

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23. **Z-7298 – Eller & Detrich/Lou Reynolds**, Location: West of northwest corner of South Peoria Avenue and East 37th Place, requesting a rezoning from **RS-3 to PK**, (CD-9) (Continued from April 1, 2015)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

Redevelopment plans for property abutting South Peoria require additional parking. The buildings abutting South Peoria between East 37th Street South and East 37th Place will all be demolished for new commercial development and reconstructed with a larger parking area west of the new buildings. Property immediately north and south of this proposal are already zoned PK establishing a similar zoning pattern in this block.

DETAILED STAFF RECOMMENDATION:

PK zoning is consistent with the Main Street designation of the Tulsa Comprehensive Plan at this location and;

PK zoning is consistent with the existing zoning pattern north and south of the site and necessary for the continued re-development of the Main Street vision along South Peoria and;

The protection of the adjacent single family residential areas for significant screening fences, landscaping and lighting details mentioned in the Brookside Infill Plan cannot be required without a PUD however, the general concept of parking behind the main street area is consistent with that therefore;

Staff recommends Approval of Z-7298 to rezone property from RS-3 to PK.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This zoning request supports the vision of the Tulsa Comprehensive Plan and the Brookside Infill Development Plan. The details of the Brookside plan cannot be required without a Planned Unit Development through our current Zoning Code. In this instance a PUD was not requested and the adjacent PK zoning was previously established in anticipation of parking expansion at this location.

Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area 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 exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in 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.

Transportation Vision:

Major Street and Highway Plan: South Peoria is classified as an Urban Arterial with a Main Street Overlay and a planned Bus Rapid Transit System.

Trail System Master Plan Considerations:

None however this area is one of the significant pedestrian destinations in Tulsa. Sidewalk reconstruction and sidewalk extensions into the neighborhood are anticipated.

Small Area Plan: Brookside Infill Development Plan (Effective November 2002)

Z-7298 is on the west side of South Peoria and included in the Sub Area from Crow Creek to 38th Street.

Special District Considerations:

The existing buildings east of this request were considered significant opportunities for establishing unique qualities and providing a sense of place during the analysis for the infill plan. Those buildings have been recently demolished. The PK zoning requires screening adjacent to the residential areas however there are no special provisions than can be applied without a Planned Unit Development were developed for this site.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is a single family residential lot. The removal of that residence will be required for parking lot construction. PK zoning will require a minimum 6 foot screening fence adjacent to the residential development.

Environmental Considerations: None that would affect the redevelopment of this site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 37 th Place South	Residential	50 feet	2

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

Surrounding Properties: The subject tract is abutted on the east by a mix of small business that are scheduled to be demolished prior to approval of this project, zoned CH; on the north by vacant land, zoned PK; on the south by a parking lot, zoned PK; and on the west by single family residential properties, zoned RS-3.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Z-7107 October 2008: All concurred in approval of a request for rezoning a .5± acre tract of land from RS-3 to PK for parking lot, on property located west of southwest corner of E. 37th St. and S. Peoria Ave.

Z-6992 July 2005: All concurred in approval of a request for rezoning a 50' x 138' tract of land from RS-3 to PK for parking, on property located south of the southeast corner of S. Owasso Ave. and E. 39th St., also known as 3921 S. Owasso Ave.

Z-6886 April 2003: All concurred in approval of a request to rezone a 50' x 144' lot, from RS-3 to OL, for office use, on property located west of the northwest corner of East 39th Street and South Peoria Avenue and north of the subject property.

Z-6749 March 2000: All concurred in approval of a request for rezoning a .457± acre tract of land from RS-3/RM-1 to PK for parking on property located east of northeast corner of S. Peoria Ave. and E. 38th St. S.

Z-6597 August 1997: All concurred in approval of a request to rezone a .19+ acre tract of land from RS-3 to PK for a parking lot, located west of the southwest corner of E. 37th Pl. and S. Peoria Ave. and south of subject property.

PUD-535 June 1995: All concurred in approval of a request for a Planned Unit Development, on 1± acre tract from CH and RS-3 to PUD-535 and to abandon the existing PUD-491, subject to no parking on the north side of the buildings, no access to South Owasso or East 39th Street from the PUD within 175 feet east of the centerline of South Owasso Avenue, on property located on the southwest corner of East 39th St. and S. Peoria Ave. between S. Owasso and S. Peoria.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he met with the Brookside Neighborhood Association last week and they are happy with the project. Mr. Reynolds stated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to recommend **APPROVAL** of the PK zoning for Z-7298 per staff recommendation.

Legal Description for Z-7298:

E60 N140 S165 W420 N/2 SE NE SE SEC 24 19 12, City of Tulsa, Tulsa County, State of Oklahoma.

24. **PUD-826 – AAB Engineering/CBC Builds**, Location: Northeast corner of East 23rd Street and South Delaware Place, requesting a **PUD** to split two large lots into four lots for single-family residential use, **RS-2/PUD-826**, (CD-4) (Continued from March 4, 2015, March 18, 2015 and April 1, 2015)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

PUD 826 is a Planned Unit Development overlay of an existing RS-2 zoned parcel (see Exhibit A for existing zoning map) located on north of E 23rd Street South between Delaware Place and Evanston Avenue. The developers plan to subdivide the two existing lots into 4 lots all facing 23rd Street South. With this configuration, the lots fall short of the bulk and area requirements strictly set out in the RS-2 zoning district. The developers considered splitting the tract into 3 lots but were unable to create a buildable pad due to the existing overhead utilities running north-south between the current lots. This PUD sets out the modified bulk and area requirements that will apply to this development. The conceptual site plan for the project can be seen in the attached Exhibit B.

SECTION II: PUD-826 DEVELOPMENT STANDARDS:

This PUD will consist of one development area subject to the development restrictions of the RS-2 zoning classification with the following exceptions:

Permitted uses:	Single-Family	Detached
Dwellings		
Land Area:		
Net	0.76 acres	
Gross	1.09 acres	
Maximum number of dwelling units	4	
Minimum Lot Width	70 feet	
Minimum lot size	7000 square feet	

Minimum Building Setbacks*

**The owner of a corner lot may select the front yard. The other yard abutting the public street shall not be less than 15 feet; provided that the garages which access this street shall be setback a minimum of 20 feet.*

Front Yard	25 feet from the lot-line.
Interior Side Yards	5 feet one side 10 feet the other side
Rear Yard: **	20 feet.

*** In this PUD the rear yard will always be on the north side of the PUD even in the instance when the owner chooses to use the east and west facing lots as the front yard.*

Building Architecture

Due to the eclectic nature of the existing neighborhood and nature of the developer's custom home construction business few architectural restrictions are proposed for the property. In keeping with the existing building patterns in the neighborhood all garage entrances shall be a minimum 5 feet further from the street than the front door of the home.

Topography and Drainage

The site slopes approximately 16 feet from the highpoint near the southwest corner of the site toward a low point at the northeast corner of the site. An existing City of Tulsa storm sewer system collects water from the intersection of East 23rd Street at Evanston and drains north under Evanston. It is anticipated that this project will connect to that storm sewer system.

All roof drain downspouts will be piped to the curb line.

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

Utilities

Water service is provided to the site by an existing 6" waterline along the south side of E 23rd Street.

An 8" sanitary sewer line extends north to south within the ROW of Evanston Ave and will be extended to serve the PUD. These lines will be tapped to provide service for the property.

Other utility services are currently provided to the site and will continue to be provided via underground services.

Schedule of Development

Development of the project is expected to begin in the summer of 2015.

VEHICULAR ACCESS AND CIRCULATION:

Additional street construction is not required for this project. Driveway connections to East 23rd Street South are not permitted on the west and east lots. Those lots must be accessed from South Delaware Place or South Evanston Ave.

The center two lots may provide driveways to East 23rd Street.

The maximum width of all driveways, regardless of the garage configuration, shall not exceed 26 feet between the curb and the lot-line. The maximum driveway width at the garage door will not exceed 30 feet.

PEDESTRIAN ACCESS:

The existing pedestrian access through this neighborhood is nonexistent except when walking in the street. Subdivision regulations require sidewalks and they will be required as part of the approval of this PUD and the subsequent plat process. Sidewalks will be constructed as part of the Infrastructure Development Plan (IDP) process.

PLATTING REQUIREMENT:

A Subdivision Plat that has been approved through City Council and filed and the Tulsa County Courthouse will be required prior to release of any building permit.

NEIGHBORHOOD IDENTIFICATION SIGN AND LIGHTING:

Neighborhood identification signage will not be allowed.

Lighting mounted on a residential structure or landscape lighting is the only lighting allowed. All lighting shall be directed down and away from adjacent lots or adjacent street right of way.

DETAILED STAFF RECOMMENDATION:

The Comprehensive Plan supports redevelopment and small infill opportunities in existing neighborhoods. This project is a small infill opportunity that can only be in context with the existing neighborhood through requirements in a PUD process and;

PUD 826 is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code and;

The original character of the neighborhood included large lots with homes that are large and small by today's standards. Infill development has already happened along the East 23rd Street corridor west of this site without a PUD. That corridor has re-developed with lot splits and lot combinations that essentially have reduced the lot sizes to meet the standards of the RS-2 zoning district. The existing re-development trend along East 23rd Street provides large homes on RS-2 minimum lots. Generally the configuration of this project is similar to the redevelopment pattern along East 23rd Street although it is not consistent with the existing home construction on this individual block and;

The PUD standards provide adequate detail to ensure that this infill project represents a contextual solution that is anticipated by the Comprehensive Plan therefore;

Staff recommends **APPROVAL** of PUD-826 as outlined in Section II above.

SECTION III: Supporting Documentation

NEIGHBORHOOD PARTICIPATION:

Staff Summary: The neighborhood has been in contact with TMAPC staff and directly involved with this project from the beginning of the mailing and sign posting. The developer has met with the neighbors and continued to modify his request after the initial submittal.

The neighborhood has met with the developer, home builder, engineer and TMAPC staff. The neighborhood opposes the infill with 4 lots. One of the neighborhood spokesmen has organized a petition for the land owners within the 300 foot radius and has already received 89% of the land owners in opposition. INCOG staff has checked and confirmed his work. The opposition meets the threshold that exceeds the supermajority vote requirement at the City Council.

Section 1703.E of the Tulsa code states that "50% or more of the area of the lots within a 300 foot radius of the exterior boundary of the territory included in a proposed change, such amendment shall not become effective except by the favorable vote of 3/4th of all the members of the City Council."

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

***Staff Summary:** Throughout the Comprehensive Plan the existing residential neighborhood is referenced as one of Tulsa's greatest assets. The plan mentions a commitment to provide development opportunities that should be limited to 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. The PUD is the only method available in our code to provide development standards that protect the character of the existing neighborhood with appropriate infill development. New infill projects should create a sense of place by encouraging development of buildings structures and landscapes that are in harmony with the character of the neighborhoods and are appropriate to the context of the location in form, rhythm, scale and proportion. Facing East 23rd Street, this project will accomplish those broad goals and concepts.*

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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.

Areas of Stability and Growth designation: Area of Stability

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

Transportation Vision:

Major Street and Highway Plan:

The streets surrounding this site are residential streets. There are no Major Street and Highway Plan concepts that would be affected by this project.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site slopes from west to east which will affect the construction style of the proposed homes. The existing home left on the site was built with a crawl space or stem wall construction that did not affect the natural ground surface. The surrounding properties are much larger than the minimum lot sizes required by the existing RS-2 zoning on the site.

Environmental Considerations:

The significant environmental consideration for this site is the existing ground surface and slopes that will be needed to be considered as part of the design.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. 23 rd St.	Residential	50 feet	2
S. Delaware Pl.	Residential	50 feet	2
S. Evanston Ave.	Residential	50 feet	2

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

Surrounding Properties: The subject tract is abutted by single-family residential development on all sides. All of the surrounding property is zoned RS-2 with the following dimensional requirements.

- The minimum lot size required in RS-2 zoning is 9,000 square feet.

- Required livability per lot is livability area of ~~4,000~~ 5,000 square feet.
- Front yard building setback lines are 55 feet from the center of the abutting street right-of- way
- Side yard setbacks are 5 and 10 feet.
- Rear Yard setbacks are 20 feet.

SECTION III: Relevant Zoning History

ZONING ORDINANCE:

Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

No relevant history.

TMAPC COMMENTS:

Mr. Midget asked Mr. Wilkerson to explain the front yard setbacks. Mr. Wilkerson stated that the PUD is structured that the setback will be 25 feet for a front yard setback. The option is for all four houses to face 23rd Street, but on the east and west side the developer has the option on where the front yard will be located. Mr. Wilkerson stated that if the developer chooses Delaware as his front yard, then it would be required to meet the 25-foot setback and if there is a garage facing Delaware then it will be become 15 feet and the garage will be required to set 20 feet back.

Mr. Dix asked what the width would be for the existing adjacent lots on Delaware and Evanston. Mr. Wilkerson stated that he doesn't know the exact width. Mr. Wilkerson the north/south dimension of the adjacent lots are 100 feet and the two new lots facing 23rd will be 82.5 feet, which is less than the existing lots. Mr. Dix stated that if the lots 1 and 4 face Delaware and Evanston it will make their back yards smaller. Mr. Wilkerson answered affirmatively. Mr. Dix stated that the two lots that have to face 23rd will have smaller frontages than the existing lots in the subject area. Mr. Wilkerson stated that it will be smaller than the adjacent, but it will be much larger than the zoning limitations. Mr. Wilkerson stated that it is true just on this block, but it changes as you move further to the west on 23rd Street. Mr. Dix asked if the existing home will remain. Mr. Wilkerson stated that the plan is to demolish the existing home.

Mr. Reeds asked Mr. Wilkerson if he looked at any other configurations besides the four homes proposed. Mr. Wilkerson stated that anything denser than this would have been out of character with the existing neighborhoods. Mr. Wilkerson further stated that he didn't get into that conversation, but did look at three lots. If this were to be a three lot development, then a PUD wouldn't be required. There is an existing

overhead power line that would have to be moved because it is in the center of the two existing lots. Mr. Wilkerson explained that without a PUD there are no development standards such as driveway widths, etc.

Applicant's Comments:

Alan Betchum, AAB Engineering, 17 East 2nd Street, Sand Springs, OK 74063, stated that he is the engineer for the project. Originally he was looking at a three-lot project, but because of the overhead utilities and the existing infrastructure that is in place four lots were the natural way to divide the subject property. This isn't a substantial departure from what the zoning would allow from front yard and side yard. Mr. Betchum indicated that if the two lots were left as they are and built two homes, they would be over sized homes to make them economically viable to build on two lots, which would be a far greater departure of what is existing in the subject area today. The plan for the four lots is to build houses that really conform to existing homes in the subject area. The sacrifice that is made in the PUD is not having the lot area. The PUD is allowing a smaller lot width/lot area, but still getting a width that is greater than what is underlying allowed by the Zoning Code by right today. The proposal means a reduction in the rear yards, not so much a reduction of what is seen from the public area or front yards. This proposal is keeping with the building type in the subject area and it is very much in keeping with the lot size larger than the remainder of infill that has happened along 23rd Street to the west.

TMAPC COMMENTS:

Mr. Reeds commented that the four triangles that are shown on the proposal are not what the actual footprint will be. Mr. Betchum agreed. Mr. Betchum stated that the developer does custom homes and he doubts it would go out to the blue lines that area shown on the concept. Mr. Betchum stated that the PUD was designed to allow for a custom home and what he really is looking for is a reduction of lot area. Mr. Reeds asked if the context of the neighborhood to have the garages in the back. Mr. Betchum stated that facing 23rd Street there are garages facing the front yard.

In response to Mr. Midget, Mr. Betchum stated that 82.50 feet is an even divide and until the plat comes forward with a preliminary plat, then it will define the width. Mr. Midget asked if it is 70 or 75 feet. Mr. Betchum stated that he is proposing 70 for the lot width, but the Code is 75 feet. Mr. Betchum stated that he was allowing for flexibility. Mr. Betchum stated that holding it at 75 feet for the width is fine. The 70 feet came from the concerns of the two outer lots and how they would be configured and where the driveways would be located.

Mr. Reeds asked if the developer looked at varying or relocating the power lines. Mr. Betchum stated that relocating is fairly substantial in the cost that would go along with that. Mr. Reeds stated that it would give the developer a lot more flexibility to relocate the lines. Mr. Betchum stated that it is a cost issue.

Mr. Carnes stated that this is a new PUD and it is a new territory for the Planning Commission, given a mission that all we know is the sizes. Mr. Carnes asked staff if it would be possible and probable to have the developer come back before the Planning Commission to approve each lot. Mr. Wilkerson stated that is not how we typically do a single-family residential project, but it can be done. Mr. Wilkerson stated that there is about 18 feet of fall from Delaware downhill to Evanston. Part of the site plan for the placement of the building on a house could be a stem wall or retaining wall or grading and there needs to be a little flexibility on how wide some of the lots can be. Mr. Wilkerson concluded that during permitting it would be clearer.

Mr. Reed indicated that he understands what Mr. Carnes is stating and not only does the developer need flexibility, but what he puts in should honor what is presented.

INTERESTED PARTIES COMMENTS:

Bailey Word, 2302 South Delaware Place, 74114; stated that he is across the street from the subject development. Mr. Word submitted a schematic showing of how many of the affected neighbors signed the petition in opposition to the PUD as currently proposed by the developer (Exhibit A-1). Mr. Word stated that the neighborhood is not against infill development, but feel that it is important to maintain the character of the neighborhood and comply with RS-2 zoning. This PUD is proposing smaller lots and requesting a lot of variances within the layout of the lots. The neighborhood homes that surround and touch the subject lots are a minimum of 15,000 SF with big setbacks.

TMAPC COMMENTS:

Mr. Midget stated that he had ex parte communication with Mr. Word via email before the first scheduled hearing.

INTERESTED PARTIES COMMENTS:

Judith Royster, 2307 South Evanston Avenue, 74114, addressed the inconsistencies with the Zoning Code, Chapter 11, and the proposed PUD (Exhibit A-3). Ms. Royster read Chapter 1101 and stated that there is nothing innovative about forcing four homes onto the subject two lots. This will not maintain the character of the neighborhood. This PUD is not consistent with the block or the neighborhood. Ms. Royster submitted a map indicating the entire Bryn-Mawr Neighborhood (Exhibit A-1) versus

the staff using only the 23rd Street as the relative properties from Lewis to the Broken Arrow Expressway. Ms. Royster read the Zoning Code, Chapter 1104.c. Ms. Royster pointed out that there is no mention of the minimum livability space in Section II of the staff recommendation in the development standards. There is a mention of livability space in the staff recommendation on page 24.6, which states 4,000 SF per home. Ms. Royster stated that it is important to the neighbors that the livability space meets the Chapter 11 requirements of the Zoning Code. Ms. Royster stated that the setbacks will not be compatible with the neighborhood.

Paul Landis, 2303 South Delaware Place, 74114, stated that he lives across the street from the proposed development. Mr. Landis stated that all of the lots in the neighborhood are 100' x 165', with the exception of the lots near the Broken Arrow Expressway. Mr. Landis stated that he did some research and came up with some numbers for houses along Delaware Place and shows the average lot sizes, setbacks, for 15 houses (Exhibit A-2). Mr. Landis stated that the PUD doesn't fit the subject area given the averages and percentages. The utilities are going right through the middle of the subject properties because it was set up to be two separate lots and not four separate lots. Mr. Landis stated that 45 out of 48 people signed the petition opposing the proposed PUD. Mr. Landis requested that PUD-826 be denied and allow the applicant to develop new plans that meet with the existing character of the neighborhood.

Ms. Millikin asked Mr. Landis if he would support three homes being built on the subject property. Mr. Landis stated that he is looking for new development that meets the RS-2 zoning and three equal lot sizes would be okay.

Karen Forbes, 2312 South Evanston Avenue, 74114, stated that she recently moved into the neighborhood. She explained that she moved into the neighborhood because of the character of the neighborhood. Ms. Forbes stated that the one thing that stays consistent is the back yards and the livable space with the home. Ms. Forbes stated that back yards are important for livable space, children to play, swimming pools, etc. Ms. Forbes further stated that homes should be built like the homes that are already established and has been established for a long time. Ms. Forbes requested that PUD-826 be denied.

Brewster Gary, 2323 South Delaware Place, 74114, stated that the PUD is trying to establish RS-3 housing. Mr. Gary read from the Zoning Code for RS-2 and RS-3 requirements for setbacks, lot size, etc. and compared it to the proposed PUD. PUD-826 is requesting a driveway that is 30 feet wide at the garage for three-car garages at the four proposed houses. Mr. Gary stated that this would mean that a total of 12 cars would be parked on the subject properties and the subject property was initially platted for

two homes. This will add 12 extra cars to the traffic within the subject area and Delaware Place is the major arterial for the neighborhood. The subject area is RS-2 and PUD-826 is attempting to use the PUD to have RS-3 zoning. Mr. Gary stated that he doesn't mind bigger houses or three-car garages, but the proposed development would have a lot of driveway and garage space. PUD-826 will impact the livability standard and increase the housing density and will affect the housing setback on Bryn-Mawr.

Bob Sober, 2420 East 24th Street, 74114, stated that he lives about half a mile from the subject area. He explained that a friend that lives in the neighborhood requested his help. Mr. Sober stated that he was surprised to see this as a PUD because the PUD process is for combining multiple lots owned by a single owner that has, generally, different types of zoning for an innovative project. The PUD is an overlay zoning and it means that all of the rights and restrictions of the previous zoning is still RS-2 zoning with a PUD overlay. One would expect the zoning to be respected in the PUD, but this plan proposes too small of lots, land sizes, etc. Mr. Sober asked how this is maintaining the existing RS-2 zoning. Mr. Sober stated that this is no overlay, but simply using a PUD to disguise rezoning the subject properties from RS-2 to RS-3, which is not the purpose of a PUD. Mr. Sober pointed out that the staff recommendation calls out that the 5,000 SF livability space can't be altered with a PUD. The PUD is an inappropriate use for the subject property. Mr. Sober stated that he doesn't know who the Planning Commission is listening to. Mr. Sober commented on the Comprehensive Plan process and the problems he finds with PUDs. Mr. Sober expressed his frustration with the PUD not stating the proper information that would allow him to use a PUD and he is surprised it is in front of the Planning Commission.

TMAPC COMMENTS:

Mr. Walker asked Mr. Sober if he was suggesting that the staff made an error in the staff recommendation. Mr. Sober stated that the staff made several errors in the staff recommendation. Staff quoted numbers that are improperly stated and mislead considerably. Staff states that livability space is 4,000 square feet and that is not true, it is 5,000 square feet. Mr. Sober stated that staff has made several errors and in his opinion, staff should have rejected the PUD immediately when it stated that they wanted a livability space of 3,000 square feet per unit. PUD's are not allowed to reduce the livability space.

Mr. Covey addressed Mr. Sober's statement that he doesn't know who the Planning Commission is listening to and he reminded Mr. Sober that the Planning Commission is here today to listen to staff, the applicant and the interested parties. Mr. Sober stated that the confusing part is that everyone should have received a document from the developer that states

what development standards he intends to use on his property. Mr. Sober further stated that it should have been the developer's plans, numbers, documents and his commitment and not the staff's and it is not here.

Applicant's Rebuttal:

Mr. Betchum stated that he believes where some of the confusion has come from is in the process of the PUD as in general as a whole. He further stated that he submitted an original application that had several varying minimal lot widths and in discussion with staff about keeping in context with the neighborhood and protections that could be put in place for the neighborhood to make it conform there were many changes that done. The livability space up to 5,000 square feet and reduced the lot widths requested and changed some of the orientations in order to allow for unique constructions on the subject property. Dwayne did an excellent job with the comparison that he originally put together for the PUD that RS-2 characteristics versus what is proposed and what is going to be governed and regulated under this PUD. Mr. Betchum stated that he is in agreement with the staff's recommendation. Mr. Betchum indicated that the developer has been willing to work with the neighborhood and meet with them and change is not unusual after submittal. Mr. Betchum stated that the 5,000 square feet of livability space can't be changed and it has not been changed. In the end it is a fundamental issue of what houses will be built there if they stay exactly as the configuration is today. The houses would be much larger and much less in character with the neighborhood if it is infill on two enormous lots as they are today. The developer would prefer to keep with the market point that is more in comparison with the neighborhood and try to develop in a smaller scale as far as the homes go. The developer would like to keep the public spaces largely as what they are today. It is a reduction in the rear yards, but that is not something that affects the neighborhood when one drives down the street. Mr. Betchum commented that the person purchasing the home will know about the reduced back yard.

TMAPC COMMENTS:

Mr. Walker stated that with the four lots the developer is trying to have enough flexibility to potentially to build all four lots. Mr. Betchum stated that the middle lot lines will always stay as they are by virtue of the existing easements that are in place. How the lots are configured east and west of the easements is flexible. The plat will be back before the Planning Commission and any future lot-splits. Mr. Walker asked Mr. Betchum what he would say to Mr. Sober's assertion that the zoning is being violated and the PUD is trumping the two items that they are not supposed to trump. Mr. Betchum stated that the livability space isn't changing and the remainder are things that we frequently change in PUDs everywhere.

In response to Ms. Millikin, Mr. Betchum stated that the owner has stated that in order to build only two homes on two lots it would require very large homes to economically make them viable to purchase the property and develop them. Mr. Betchum stated that the homes would have to be so large that they would keep with the character of the neighborhood, but they would meet the RS-2 zoning.

Mr. Covey asked if the subject property is under contract or purchased. Mr. Betchum stated that they closed on and owned. Mr. Beaudreau was the property owner at the time of application, but since then the property has been purchased and he is no longer the property owner. Mr. Betchum stated that the previous owner did sign the petition opposing the PUD.

Mr. Reeds stated that the developer is purchasing two lots that could be built on with RS-2 zoning. To get three homes the developer would have to invest in either moving, lowering or varying the right-of-way and vacating the easement. This cost could be spread along three lots. Mr. Reeds stated that the developer is proposing four lots and is essentially trying to maximize his investment. Mr. Reeds further stated that he doesn't understand that the developer is purchasing two lots and he knows he can have three by right and spread the cost among the three lots and build a house that is contextual with the neighborhood and still make a good profit. It doesn't make sense to go for four lots. Mr. Betchum stated that the good profit issue is in question when one considers the cost of the land.

Mr. Dix asked what utilities are on the poles and would have to be relocated. Mr. Betchum stated that it is power and communications, which are all overhead. Mr. Dix stated that three utilities for three lots would be simply three poles and some guy wires. Mr. Dix commented that it wouldn't be a huge cost.

Mr. Wilkerson stated that on page 24.6 there is actually an error there and it should read 5,000 square feet and the originally requested 4,000 square feet was taken out of Section II. Mr. Wilkerson stated that all of the development standards are in Section II. Mr. Wilkerson stated that staff takes what the applicant submits and disassemble it and then put it back together, discuss and the actual application usually doesn't look anything like the final proposal. Mr. Wilkerson stated that RS-2 requirements will continue to apply unless they are modified in Section II. The 4,000 square feet of livability space in the staff recommendation was background information and the livability space is not proposing to change and can't change in this PUD, which is 5,000 square feet.

Mr. Dix asked if the three lots be done within the existing zoning without a PUD. Mr. Wilkerson stated that looking at the development standards in

RS-2, one could do three lots without a PUD, but the power would have to be moved. Mr. Wilkerson stated that if the Planning Commission preferred the three lots and didn't change the development standards, then the PUD could stand. Mr. Dix asked why the Planning Commission would want to do that if the existing zoning would allow three lots. Mr. Wilkerson stated that there may be some engineering issues and there would be some flexibility within the PUD. Mr. Wilkerson suggested leaving the PUD with the standards as they are currently, if the Planning Commission determined to recommend three lots rather than four.

Mr. Reeds stated that he would like to clarify the requirements, 5,000 square feet of livable space and minimum lot width is 75 feet. Mr. Wilkerson stated that the minimum lot width in RS-2 is 75 feet and the PUD is proposing 70 feet.

Mr. Covey asked staff what neighborhood they are looking at when they comment about the character of the neighborhood. Mr. Wilkerson stated that he typically doesn't worry so much about what the boundaries of a subdivision plat was whenever it was done. Mr. Wilkerson explained that he looks more in context of, in this instance to him, it felt like that everything from the southwest side of the Broken Arrow Expressway and 21st and Lewis down to about 26th or 27th is a cohesive neighborhood. Mr. Wilkerson stated that there is not really a neighborhood boundary and it is not a subdivision it is really more of, on our instance, he really felt like that this particular spot in this neighborhood, that the best in and out is 23rd Street and so that neighborhood settles around 23rd Street all the way to the Broken Arrow Expressway. There is a lot of connectivity and there is the ability to get in and out from a lot of different places, depending on where one lives they might have a different concept of where that neighborhood boundary is. Mr. Wilkerson stated that there is no real hard line boundary that he could point to and state that this subdivision looks like this or feels like this. Mr. Wilkerson stated that the era of when this neighborhood was constructed didn't have a well define edge.

Mr. Dix stated that he has some problems with this application. He indicated that he doesn't like the four lot configuration because it doesn't fit with the character of the neighborhood at all. Mr. Dix indicated that he would like to see the lot widths maintained and he believes with three lots this can be achieved with the existing zoning. If there are engineering issues to be resolved then that is an engineering problem. Mr. Dix stated that he can't support the four lots. Mr. Dix commented that the rear yards do not matter to him and that is a life style issue and it's not a zoning issue as long as the setbacks are maintained.

Mr. Walker asked Mr. Wilkerson if he disagreed with Mr. Dix's comments based on the staff recommendation. Mr. Wilkerson stated that he agrees

that with the standards that are in the PUD that it could still be consistent with the neighborhood character with four lots.

Mr. Reeds stated that he doesn't believe it is that difficult to relocate the overhead utilities. Three lots would be easy, but he does agree with Dwayne that there will need to be some kind of PUD overlay to deal with some of the utility issues. Mr. Reeds stated that he believes that rear lots in this neighborhood are important, particularly to those two homes to the north. If there were four homes abutting to the one rear yard, it makes a difference on their livability. Mr. Reeds stated that infill is good, but he doesn't look at this as an infill project, but rather maximizing an investment. Both things can be achieved with good infill and he doesn't believe that this proposal achieves that. Mr. Reeds compared the proposal to two other infill projects that have been approved in the past (Barnard Trace) and stated that this proposal doesn't meet the neighborhood character like the other two projects did.

Mr. Midget stated that he doesn't believe that this fits with the existing neighborhood. It is important that one looks that the density, intensity, character and context of the existing neighborhood. Mr. Midget indicated that he has driven through this neighborhood and understands the concerns. Mr. Midget stated that if the developer decides to modify this application in order to accomplish this development, then a PUD would be important. Mr. Midget further stated that he doesn't want to give up any of the underlying zoning requirements. Mr. Midget agreed that the applicant will need some flexibility and perhaps a PUD might give him an opportunity to do that, which means he would have to continue this and continue working with the neighborhood. Mr. Midget concluded that he would have a hard time supporting the proposed PUD as presented.

Ms. Millikin stated that she is not convinced by either the arguments by either the applicant or of the interested parties regarding the four lot proposal or the two lot proposal would be consistent or inconsistent with the character of the neighborhood as the case may be. The applicant is stating that two lots is not consistent with the character of the neighborhood because the houses would be too big in order to make it fit in the price range and other arguments. The interested parties are stating that four doesn't work because it is too crowded and they are not meeting the lot lines and livability requirements, etc. However, she is hearing converse arguments from staff. Ms. Millikin stated that she doesn't feel that she has enough evidence to agree or disagree with either side on this. Ms. Millikin further stated that all she can do is decide on the application before the Planning Commission and whether or not the four lots here would be consistent with the characteristics of the neighborhood and meet the other requirements of the Zoning Code. Ms. Millikin stated that she likes the suggestion by Mr. Carnes to bring detail site plans in for

each lot and that might be one way to determine whether or not the four lot configuration would be consistent with the neighborhood. Ms. Millikin commented that she can conceive that it could possibly be consistent. Ms. Millikin stated that she could potentially support the four lots if there were more details.

Mr. Covey stated that what persuaded him was Ms. Royster put up the depiction of where the neighborhoods where (Exhibit A-1). Mr. Covey further stated that if one looks at what is depicted here is Bryn-Mawr, it is a neighborhood and all of the lots are the same and when you go up to Harter's Fourth Division they are smaller and it looks like its own neighborhood packed in there. The other demonstrative aide was from walking the neighborhood and coming up with the averages for the width, length, etc. (Exhibit A-2) from Mr. Landis, which was a great demonstrative aide. Mr. Covey stated that he can only think about what neighborhood he lives in and how he would feel if someone wanted to come in and subdivide four lots in his neighborhood. Mr. Covey commented that he doesn't believe that the application fits the character of the subject neighborhood and he will no.

Mr. Walker asked if it would be appropriate to allow the applicant to reconfigure it or simply deny it.

Mr. Midget stated that he doesn't mind making a motion to continue it to allow them to work something out, but that is if the applicant is willing to work with the neighborhood and if not he would vote to deny this application.

Mr. Dix stated that he would agree with Mr. Midget and the reconfiguration he would be leaning toward if they want to continue is three lots, which can be done within the existing zoning. Mr. Dix stated that for someone willing to do it, he will move to deny the application.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **9-1-0** (Carnes, Covey, Dix, Fretz, Midget, Reeds, Shivel, Stirling, Walker "aye"; Millikin "nays"; none "abstaining"; Liotta "absent") to recommend **DENIAL** of PUD-826. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-826:

LTS 6 & 7 BLK 3, BRYN-MAWR, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

OTHER BUSINESS

25. Commissioners' Comments: Mr. Dix stated that the Bryn-Mawr Neighborhood did a great job gathering information and making individual presentations.

Mr. Carnes stated that the PUD was a little bit unusual to ask the Planning Commission to look at PUD and giving a carte blanche approval and not knowing where the lot-lines, houses, etc. will be when it comes in. Mr. Carnes stated that he is not willing to give a PUD a blanket approval.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **ADJOURN** TMAPC meeting 2696.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:11 p.m.

Date Approved:

05-06-2015


Chairman

ATTEST:



Secretary