

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Minutes of Meeting No. 2525**

Wednesday, September 3, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Smaligo	Alberty	Boulden, Legal
Cantrell		Feddis	
Carnes		Huntsinger	
Marshall		Matthews	
McArtor		Sansone	
Midget			
Shivel			
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 28, 2008 at 12:41 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 Ard called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Comprehensive Plan Report:**

Ms. Cantrell reported that there will be two work sessions for the Comprehensive Plan Update on September 22 and 23, which are open to the public. She encouraged everyone to attend the work sessions.

Mr. Ard encouraged the public and the Planning Commissioners to take part in the update of their Comprehensive Plan.

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### **Director's Report:**

Mr. Alberty reported on TMAPC receipts for the month of July 2008 and indicated that the receipts have increased 68% over last year at this time. He commented that the increase has been primarily in the PUD area.

Mr. Alberty reported on the BOCC and City Council agendas.

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### **Minutes:**

#### **Approval of the minutes of August 20, 2008 Meeting No. 2523**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-1 (Ard, Cantrell, Carnes, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; McArtor "abstaining"; Midget, Smaligo "absent") to **APPROVE** the minutes of the meeting of August 20, 2008, Meeting No. 2523.

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### **TMAPC COMMENTS:**

Mr. Ard indicated that Item 5 of the consent agenda has been withdrawn by the applicant.

5. **Z-5903-SP-1 – Sisemore Weisz & Associates** (PD-18c) (CD-8)  
6413 South Mingo Road (Corridor Detail Plan) (**Applicant has withdrawn this application.**)

Applicant has withdrawn this application.

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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-20242** – QuikTrip Corporation (3094)/Lot-Split (PD 17) (CD 6)  
Southwest corner of East 41<sup>st</sup> Street and South Garnett Road, 11120  
East 41<sup>st</sup> Street
3. **LS-20243** – Harden & Associates (9206)/Lot-Split (County)  
West of West Cameron Street and South of North Wildmountain Road,  
8050 West Old North Road

4. **LS-20247** – Stan Treat (9030)/Lot-Split (County)  
Northwest corner of West 41<sup>st</sup> Street and West Coyote Trail, 26203  
West 41<sup>st</sup> Street
6. **Z-7008-SP-1 – Sack & Associates** (PD-8) (CD-2)  
East of the southeast corner of West 71<sup>st</sup> Street South and Olympia  
Avenue (Corridor Detail Plan for a 14,400 SF Walgreen's Drug Store.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 14,400 square foot Walgreen's Drug Store on a 1.34-acre lot (58,380 SF), located east of the West 71<sup>st</sup> Street entrance of the Tulsa Hills Shopping Center. The proposed use, Use Unit 13 – Convenience Goods and Services/Drug Store, is a permissible use within this Corridor District.

The proposed site plan meets all building floor area, lot coverage, building height and setback requirements. Access to the site is provided from two access points from Reserve L, a private access drive off Olympia Avenue. Parking is provided per the Zoning Code. Site landscaping exceeds applicable corridor landscape and Zoning Code standards. Site lighting is limited to 30' in height and is directed down and away from adjoining properties through the application of the Kennebunkport Formula. A sidewalk is provided along West 71<sup>st</sup> Street and along Reserve L per subdivision and Corridor Plan requirements.

Therefore, staff recommends **APPROVAL** of detail plan for Z-7008-SP-1.

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

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Smaligo "absent") to **APPROVE** the consent agenda Items 1 through 4 and Item 6 per staff recommendation.

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

## **PUBLIC HEARING**

14. **PUD-762 – Charles E. Norman/Lou Reynolds**

**CS/RS-3 to CS/RS-3/PUD**

Northwest corner of South Lewis Avenue and East 13<sup>th</sup> (PD-4) (CD-4)  
Place (PUD for a banking facility with drive-thru services.)

### **TMAPC COMMENTS:**

Mr. Ard stated that there has been a request for a continuance for PUD-762.

### **Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, stated that he is in agreement with a two-week continuance. He noted that there may be someone from out of town present today who may wish to speak on this item and not have to make another trip in two weeks.

No one came forward to speak on this item.

Mr. Ard requested a show of hands of the interested parties who are in favor of the two-week continuance. He indicated that it appears the majority of interested parties are in agreement with the continuance. No hands rose to indicate that they were against the continuance.

### **TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Smaligo "absent") to **CONTINUE** PUD-762 to September 17, 2008.

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8. **Hillcrest Ridge USA Drug –** (9306) Preliminary Plat (PD 4) (CD 4)

West of South Lewis Avenue and South of East 3<sup>rd</sup> Street South

### **STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .990 acres.

The following issues were discussed August 21, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS.
2. **Streets:** Label driveway radii. Increase radius for egress vehicles on driveway accessing East 3<sup>rd</sup> Street South wanting to go east to a minimum

of 15 feet. Revise ten-foot chamfered corner at northeast corner of property with a rounded minimum radius of 25 feet. Widen driveway to 30 feet in lieu of the 15-foot radius. Traffic Engineering will need to approve the northbound driveway. At the northeast corner a 25-foot radius is needed.

3. **Sewer:** The existing sanitary sewer main and its associated easement cannot be closed and vacated until the proposed relocation project has been completed, accepted by the City of Tulsa, and is in service. The sewer atlas shows an existing line located east of your proposed manhole, along the north line of Hillcrest Amended. Your sanitary sewer plans will have to include this line in order to serve the existing property to the south. If the proposed dumpster is going to be enclosed by walls, then it must be located outside of the utility easement.
4. **Water:** No comment.
5. **Storm Drainage:** The proposed inlet with access manhole is considered public and therefore needs to be in a drainage easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** No comment.

**GIS:** No comment.

**General:** Verify the location of the east property line. If TDA (Tulsa Development Authority) has a ten-foot right-of-way then the property line is incorrectly shown. If TDA does not own the property then the City of Tulsa needs additional right-of-way for this urban arterial.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional

easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **SPARKS**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Smaligo "absent") to **APPROVE** the preliminary plat for Hillcrest Ridge USA Drug subject to special conditions and standard conditions per staff recommendation.

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9. **Plantation Apartments** – (7913) Minor Subdivision (PD 18B) (CD 7)  
Plat

Northeast corner of East 47<sup>th</sup> Place and South Fulton Avenue (continued from 8/20/08 meeting)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 6.1 acres.

The following issues were discussed June 5, and June 19, 2008 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RM-1 and RM-2.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** Add 17.5-foot perimeter utility easements.
5. **Storm Drainage:** Section I 1.5 states that runoff from the roof drains shall be directed to the detention facility but no detention facility is shown and no easements are defined. Suggest you discharge into the public drainage system.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Coordinate with PSO design representative.
7. **Other: Fire:** No comments.

**GIS:** Add to the title of the plat, "A resubdivision of" a tract of land located in the south three hundred eight Plaza Hill Addition, and lot one, Plaza Hill Second Addition Oklahoma. Label "Interstate 44" on the location map. Correct the duplicated description "A distance of 367.64 feet to the southwest corner of said Lot 1", in the metes and bounds description.

Staff recommends **APPROVAL** of the Subdivision plat **if the ownership papers are acceptable by the time of the TMAPC meeting and** subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.



**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a

condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

In response to Mr. Ard, Ms. Feddis stated that the Engineer is present and could answer to the letters being submitted to staff.

**Applicant's Comments:**

**Nicole Peltier**, 10830 East 45<sup>th</sup> Street, stated that she did submit the last paper required in order to sign off from HUD to staff on Tuesday evening. All letters are filed with staff.

**TMAPC COMMENTS:**

In response to Mr. Ard, Mr. Alberty stated that staff is comfortable with moving forward.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-1-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; Midget, Smaligo "absent") to **APPROVE** the preliminary plat for Plantation Apartments, subject to the ownership papers being acceptable by the time of the TMAPC meeting and subject to the TAC comments and the special and standard conditions below per staff recommendation.

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**Mr. Midget in at 1:48 p.m.**

**10. Z-7099 – Lewis Engineering, P.L.L.C.**

**OM/RS-2 to CG**

South of southwest corner of East 51<sup>st</sup> Street South  
and South Vandalia Avenue (Continued from 7/2/08)  
(Related to Item 11)

**(PD-18b) (CD-7)**

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20997 dated January 18, 2005, established zoning for the subject property.

**PROPOSED ZONING:** CG/PUD

**PROPOSED USE:** Hotel

**RELEVANT ZONING HISTORY:**

**PUD-764:** A proposed Planned Unit Development on this 1.55± acre tract of land for a hotel development which correlates with zoning case, Z-7099, on property located south of southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue and the subject property.

**Z-6961 January 2005:** All concurred in approval of a request for rezoning a 4± acre tract of land from RS-3 to OM on property located south of southwest corner

of East 51<sup>st</sup> Street South and South Vandalia Avenue and a part of the subject property.

**PUD-284-A August 1992:** A request for a major amendment to PUD-284 to increase the permitted number of dwelling units within the PUD from 168 to 176 was approved. The property is located on the northwest corner of East 53<sup>rd</sup> Street and South Urbana Avenue.

**Z-5680/PUD-284 June 1982:** Approval was granted to rezone a 1.5-acre tract located on the northwest corner of East 53<sup>rd</sup> Street and South Urbana Avenue and abutting the subject property on the south from RS-2 to RM-1 for the expansion of an existing nursing and retirement center.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.5+ acres in size and is located south of the southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue. The property appears to be vacant and is zoned OM and RS-2. This site is part of a former athletic club that was demolished by fire some years ago. It is currently vacant and grassy.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Vandalia Avenue	Residential	50'	2 lanes*

\*It should be noted that the existing Vandalia Avenue south of the bank north of the subject site is without curb and gutter, is asphalt and very narrow. Moreover, it ends at 53<sup>rd</sup> Street. This is substandard according to current requirements. Although improvement of this street cannot be a condition of the rezoning recommendation, the issue should be addressed during the platting stage of development.

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

**SURROUNDING AREA:** The subject tract is abutted on the east by multifamily residential uses, zoned RM-1; on the north by remains of the former athletic facility, zoned CH; farther north by a bank, zoned CH; on the south by a nursing/retirement facility, zoned RM-2/PUD-284-A; and on the west by a mini storage facility, zoned CH and RM-2/PUD-284-A.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18b Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CG zoning is **not** in accord with the Plan.

**STAFF RECOMMENDATION FOR ZONING:**

Although the requested CG zoning is not in accord with the Comprehensive Plan, the intended use, Hotel, is in keeping with the overall intensity and types of uses surrounding it. The CG zoning, furthermore, is a **may be found** in accord category with other Medium Intensity-designated uses. The property to the north is zoned CH and could be redeveloped much more intensely than it currently is. The northern portion of the former athletic club site, now cleared and not subject of this request, is also zoned CH and potentially more intense than the requested CG. Therefore, staff recommends **APPROVAL** of CG zoning for Z-7099.

**TMAPC COMMENTS:**

Ms. Cantrell asked if staff knew when the adjacent property was zoned CH. In response, Ms. Matthews stated that she believes it has been rezoned CH for quite some time.

Mr. Alberty stated that most of the CH zonings were zoned prior to 1970 and when the new maps were adopted in 1970 they were brought over according to the existing zoning, which is called zoning by study area. He believes that the zoning has been there for over 30 years.

**RELATED TO Z-7099:**

11. **PUD-764 – Lewis Engineering**

**OM/RS-2 to CG/PUD**

South of southwest corner of East 51<sup>st</sup> Street South (PD-18b) (CD-7)  
and South Vandalia Avenue (PUD to development of  
a 46,260 SF, 4-story hotel with indoor swimming  
facility and parking.) (Related to Item 10)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20997 dated January 18, 2005, established zoning for the subject property.

**PROPOSED ZONING:** CG/PUD

**PROPOSED USE:** Hotel

**RELEVANT ZONING HISTORY:**

**Z-7099:** A request for rezoning a 1.5± acre tract of land from OM/RS-2 to CG has been continued to be heard with this Planned Unit Development application (PUD-764) for a hotel development, on property located south of southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue and the subject property.

**Z-6961 January 2005:** All concurred in approval of a request for rezoning a 4± acre tract of land from RS-3 to OM on property located south of southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue and a part of the subject property.

**PUD-284-A August 1992:** A request for a major amendment to PUD-284 to increase the permitted number of dwelling units within the PUD from 168 to 176 was approved. The property is located on the northwest corner of East 53<sup>rd</sup> Street and South Urbana Avenue.

**Z-5680/PUD-284 June 1982:** Approval was granted to rezone a 1.5-acre tract located on the northwest corner of East 53<sup>rd</sup> Street and South Urbana Avenue and abutting the subject property on the south from RS-2 to RM-1 for the expansion of an existing nursing and retirement center.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.5± acres in size and is located south of the southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue. The property appears to be vacant and is zoned OM and RS-2. This site is part of a former athletic club that was demolished by fire some years ago. It is currently vacant and grassy.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Vandalia Avenue	Residential Collector	50'	2 lanes*

\*It should be noted that the existing Vandalia Avenue south of the bank north of the subject site is without curb and gutter, is asphalt and very narrow. Moreover, it ends at 53<sup>rd</sup> Street. This is substandard according to current requirements. Although improvement of this street cannot be a condition of the rezoning recommendation, the issue should be addressed during the platting stage of development.

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Vandalia Avenue and then Lincoln Estates, a multifamily residential use, zoned RM-1; on the north by the unplatted remains of a former athletic facility, zoned CH; farther north by a bank, zoned CH; on the south by Urbana Heights Two Resubdivision. L1 B1 Urbana Heights, a nursing/retirement facility, zoned RM-2/PUD-284-A; and on the west by an unplatted mini storage facility, zoned CH.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CG zoning **is not** in accord with the Plan (see Exhibit A-1).

**STAFF RECOMMENDATION:**

PUD-764 is a 1.55 gross acre (67,518 SF) infill development proposal located south of the southwest corner of 51<sup>st</sup> Street and Vandalia Avenue. The property is zoned RS-2/OL and is concurrently the subject of rezoning application Z-7099, also on the September 3<sup>rd</sup> TMAPC agenda. Any approval of this PUD application is dependant upon the approval of the aforementioned rezoning application.

The requested rezone is to Commercial General (CG) zoning, a lesser intensive zone than the existing commercial zoning to the north and west. Currently, as the last OM/RS-2 zoned site in this southwest ¼ square mile quadrant of Yale Avenue and 51<sup>st</sup> Street, staff sees the subject tract as an existing example of spot zoning (see Exhibit A – “Existing Zoning”).

PUD-764 proposes the development of a 46,260 SF, 4-story, 78-room hotel with indoor swimming facility, and associated parking, landscaping and site lighting (see Exhibit B and C – Conceptual Plans). The subject tract is surrounded by medium to high-intensity residential and commercial development. On the west, the site is bordered by mini-storage development, zoned CH; on the north by a former health club site, zoned CH, on the east by a residential multifamily development, zoned RM-1; and on the south by a large nursing home, zoned RM-2. All of these land uses could be considered medium to high intensity development. The exception may be the mini-storage which can be considered a low to medium-low intensity development.

Access to the site would be from two access points along Vandalia Avenue, with the northern access point being from mutual access easement with the parcel to the north. A third access point is also proposed near the southern boundary of the PUD for access to the screened trash receptacle. Five (5) foot sidewalks will be provided per subdivision regulations along Vandalia Avenue. As noted above, improvement of Vandalia Avenue cannot be a condition of this recommendation; however, the issue should be addressed during the platting stage of development. Approval of any detail site plans by the City of Tulsa Fire Marshal and Traffic Engineering prior to submittal to the TMAPC for approval could also be required.

CG zoning will allow 50,684 SF of floor area developed on this site based on a .75 FAR with no height limitation. The proposed 46,260 SF of floor area represents a .68 FAR, within the allowable limit in the CG District. The proposed setback limitations are adequate with relation to the 57-foot high hotel (including building parapet and roof-mounted mechanical equipment) and the surrounding land uses.

An 8' solid masonry-type screening wall is recommended along the southern and western border of the PUD. In addition to the screening wall along the southern boundary, a minimum five-foot landscape strip will be required to help further buffer the hotel use from the nursing home. Along the eastern and southern

borders of the PUD, site lighting and signage is recommended to be strictly limited in size and scope in order to have as little impact as possible on both multi-family zoned properties. Parking, open space and landscaping will be provided per the Zoning Code. Trash enclosures will be provided in order to screen the receptacles from a person standing at ground level.

The site will be platted per the requirements of section 1107-F of the Zoning Code. The platting process will address all required stormwater, drainage, off-site traffic, fire and other engineering issues not addressed herein by the PUD development standards.

Given the recommended restrictions placed on certain development standards of the PUD (see below), in combination with the current state of the site, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-764 to be: (1) in harmony with the existing and expected development of surrounding area; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-764 subject to the following conditions as modified by the TMAPC with applicant's agreement (items with strikethrough have been deleted, items underlined have been added in):

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

**LAND AREA:** 1.52 Acres/66,211 SF (Net)  
1.55 Acres/67,579 SF (Gross)

**PERMITTED USES:**  
Those uses permitted within Use Unit 19 – Hotel, Motel and Recreation limited to hotel and motel use only and all permitted accessory uses to the principal permitted use(s).

**MAXIMUM PERMITTED FLOOR AREA:** 46,260 SF (~~.68 FAR~~)  
50,684 SF (.75 FAR)

**MAXIMUM BUILDING HEIGHT:**  
Within the southern 65' of the PUD: 1-story, not to exceed 15'  
Within the remainder of the PUD: 4-Stories, not to exceed 57' including building parapet and roof mounted equipment.

**MAXIMUM NUMBER OF ROOMS PERMITTED:** 78



**MINIMUM BUILDING SETBACKS\*:**

From the centerline of Vandalia Ave.:	55'
From the Southern PUD Boundary:	
Within the southern 65' of the PUD:	20'
Within the remainder of the PUD:	65'
From the West Boundary of the PUD:	60'
From the North Boundary of the PUD:	80'

*\* Building must be orientated in an east-west direction with the front entrance of the building facing north.*

**OFF-STREET PARKING:** As required by the City of Tulsa Zoning Code.

**MINIMUM INTERNAL LANDSCAPED OPEN SPACE:**

No less than 10% of the internal space of the lot shall be reserved as open space.

**LANDSCAPE AND SCREENING CONCEPT:**

The street yard along Vandalia Avenue shall be landscaped according to the landscape chapter of the Zoning Code with the exception of access points from Vandalia Avenue. An 8' solid masonry type screening wall A 6' wrought iron fence will be erected along the southern and western boundary of the PUD. In addition to the 8' masonry type wall along 6' wrought iron fence along the southern boundary, a minimum five-foot landscape buffer will be installed inside the wall fence, along the west, south and eastern boundaries of the PUD with excessive, mature landscaping at the time of planting to ensure that the fence may not be seen through. The 5' landscape buffer shall be extended around the perimeter of the site.

**ACCESS AND CIRCULATION:**

Access to the site will be from two access points along Vandalia Avenue. A third access point just north of the northeast corner of the site will be provided via mutual access easement when the lot to the north is developed. All exits from the site shall be designated as "left turn only" and will have sufficient size as to be highly visible to exiting vehicles. This would not be applicable if 53<sup>rd</sup> St. at or near Toledo is closed to through traffic. Left turn only signs are subject to detail sign plan review.

**PEDESTRIAN CIRCULATION:**

Pedestrian circulation shall be provided by sidewalks along the west side of Vandalia Avenue for the length of the PUD frontage along Vandalia Avenue. Pedestrian walkways are suggested every 150' and should be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect. Pedestrian walkways which cross

vehicular aisles or driveways shall be distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/or by using high contrast striping.

## **SIGNS:**

### **Ground signs:**

One (1) ground sign shall be permitted along Vandalia Avenue not to exceed 2/10 SF of display surface area (DSA) per lineal foot of street frontage per section 1221, C, 8-b of the Zoning Code. In no event shall the sign be limited to less than 32 SF, DSA or exceed 150 SF, DSA. The sign may not exceed 20' in height.

### **Wall signs:**

Wall signs shall not exceed two square feet of DSA per lineal foot of wall to which the sign is affixed. There shall be no wall signs permitted on south or easterly facing building walls.

### **"Left Turn Only" signs:**

Left turn only signs shall be provided at all exits and are subject to detail sign plan review.

## **SITE LIGHTING:**

Free standing and building mounted light standards within 50 feet of the east and south boundaries shall not exceed 16 feet in height. All other light standards shall not exceed a maximum height of 20' measured from grade. Lighting may not exceed .5 foot candles (FC) along the south and east property line and shall be measured from the top of the screening provided along the south boundary and 3' above grade along the eastern boundary of the PUD.

All light standards, including building mounted, shall be hooded and directed down and away from the boundaries of the PUD. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from creating a nuisance to a person standing at ground level in adjacent residential areas. Compliance with this standard shall be verified by application of the Kennebunkport formula or other Illuminating Engineering Society of North America (IESNA) recommended practice.

## **TRASH, MECHANICAL AND EQUIPMENT AREAS:**

All trash, mechanical, electrical, HVAC and equipment areas, 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 at the perimeter of the PUD. All screening and fencing shall be maintained by

the owners of the subject tract and not be allowed to fall into disrepair or unsightliness.

3. No zoning clearance permit shall be issued within the PUD until a detail site plan for the lot, which includes all buildings, parking, and lighting, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the City of Tulsa zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** No comments.

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** PUD does not address storm water issues.

**Wastewater:** The screening fence described in the PUD must be located where it will not conflict with the existing sanitary sewer line.

**Transportation:** In the access and circulation section width of sidewalk should be five feet.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:**

**INCOG Transportation:**

- MSHP: 51<sup>st</sup> St. S., between Harvard Avenue and Yale Avenue, is designated Secondary Arterial.
- LRTP: 51<sup>st</sup> St. S., between Harvard Avenue and Yale Avenue, existing four lanes. I-44, between Harvard Ave and Yale Ave, planned six lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: Existing bikeway on E. 56<sup>th</sup> Street S., between Harvard Ave and Yale Ave.
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Mr. Sansone stated that the applicant has requested that the FAR be .75 FAR that would be allowed by the CG zoning, which would permit a 50,684 SF building. He believes that they do not intend to build up to this, but they needed a little buffer when designing their plans.

**TMAPC COMMENTS:**

In response to Mr. Marshall, Mr. Sansone stated that with the current zoning the applicant could build a 33,759 SF building with no height limit in the OM zoned property. The RS-2 portion would probably permit one to two dwelling units. Mr. Marshall asked Mr. Sansone if he would consider this spot zoning as some

neighbors has stated in their letters. In response, Mr. Sansone stated that in his opinion he would say that at its present zoning it is spot zoning. Mr. Marshall stated that he doesn't consider the proposal as spot zoning either, considering the surrounding zoning and uses.

Mr. Alberty stated that spot zoning means that the zoning doesn't bear a reasonable relationship to the surrounding zoning. This is the reason Mr. Sansone believes that the existing zoning is probably more spot zoning than what is requested by the applicant. With the CH, Commercial High Intensity, zoning abutting the subject property on two sides, staff felt that the CG zoning was reasonable. There could be an argument made for CH zoning on the subject property; however, staff has taken a position of where CH zoning exists and on infill properties an attempt would be made to limit to CG as a compromise position. In this instance the CG is not spot zoning.

Ms. Cantrell stated that one of the concerns that she has seen from the neighbors is that vehicles would turn right on Vandalia and go back into the neighborhood. In response, Mr. Sansone stated that the dumpster location could possibly change and he would know more during the detail site plan phase. Trash enclosures are one thing that will change during the planning stage. Ms. Cantrell stated that she traveled the street numerous times. It is not a good street and there are some concerns about traffic turning right. In response, Mr. Sansone stated that he agrees Vandalia is inadequate and it has a bend in the road where it appears cars travel to avoid the intersection. However, with the improvements that are usually made through the platting process, it could be made to handle whatever there is. Cutting through traffic is a problem any time there is commercial pushed up next to residential near a major arterial intersection. There will be people at the beginning and the end of the day looking to avoid the intersection. Speed limits and other means are the only way to control this and are not necessarily in control of the Planning Commission or staff.

In response to Ms. Wright, Mr. Sansone stated that with some basic improvements and dedications of more right-of-way he believes Vandalia can handle the traffic.

In response to Mr. McArtor, Mr. Sansone stated that the use is not permitted in the OM/RS-2 district and that rezoning is necessary.

In response to Ms. Wright, Mr. Sansone cited the heights of the surrounding properties. He reminded Ms. Wright that there is no height limitation on many of the surrounding properties and simply because these properties were not built more than one story doesn't mean it is not allowed.

Mr. Ard asked Mr. Steele to come forward and inform the Planning Commission about the TAC review of the subject site.

**David Steele**, City of Tulsa Development Services, stated that at this time he doesn't have detailed plans for the subject site regarding stormwater runoff and how the applicant plans to handle it. The City's requirements are that the applicant is responsible for ensuring that any additional runoff that is generated by this structure must be conveyed to the public by either detaining it or conveying it to a public facility without impacting neighboring properties.

Mr. Steele stated that there will be traffic review of Vandalia to see what improvements can be made and what the City's plans are for improving the subject area. Mr. Steele further stated that he doesn't know of any improvements at this time. The general rule is that the plans are reviewed as they are presented with the existing street as it is.

In response to Mr. Ard, Mr. Steele stated that if it is determined that the street can't handle the traffic, then a permit would not be submitted. There would be a review and discussion to determine how to make the traffic flow better for the facility.

**Applicant's Comments:**

**Bill Lewis**, Lewis Engineering, 5879 S. Garnett, 74146, stated that he is in agreement with staff's recommendation. This is a rebuild of a structure that was there for several years. He requested that he be allowed to install a wrought iron fence with shrubs on the south side to make it softer and a better esthetic appearance.

Mr. Lewis stated that the hotel traffic is generated by visitors who do not know the area nor are familiar with the traffic patterns that will not go back into the neighborhood. He believes that the hotel traffic will go back out to 51<sup>st</sup> Street via Vandalia as they came in. The hotel traffic is generated generally in the morning and evenings with very little generation during the day or night.

Mr. Lewis stated that the subject site's drainage patterns flows off to the west and he intends to build storm sewers along the western boundary to take it to the north to tie in a 4 x 8 foot box at the northeast corner of the tract to the north. He indicated that he would be effectively cutting off all of the drainage and directing it into the storm sewer system and not letting it run across the mini-storages and properties to the west.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Lewis why he needed the increase in floor area. In response, Mr. Lewis stated that during the design, the floor area may change and he didn't want to lock into the smaller floor area before the design is completed. He indicated that he is requesting the floor area that would be allowed under the CG zoning in order to have to elbow room while designing the project. Mr. Ard asked if it would exceed four stories or 57 feet in height. In response, Mr. Lewis stated

that it wouldn't exceed the four stories or 57 feet in height. Mr. Lewis further stated that there will be 78 units.

Mr. Ard asked Mr. Sansone if the number of units is part of the PUD. In response, Mr. Sansone stated that the Planning Commission can limit the number of units and it is correlated to the number of parking spaces they have to provide.

Ms. Cantrell asked Mr. Lewis if he would be willing to create a left-hand turn only onto Vandalia to keep the traffic from turning right and going back into the neighborhood. In response, Mr. Lewis stated that he has no problem with that, but he reminded the Planning Commission that there are several high-rise office buildings and apartments that are generating traffic through the subject area and avoiding the traffic and construction on Yale.

Ms. Wright asked Mr. Lewis if he has met with the neighborhood associations in the subject area. In response, Mr. Lewis stated that he talked with them at the previous meeting in the hallway. He further stated that he has not been contacted by anyone for a meeting. Mr. Lewis commented that he understands their concerns with traffic and he doesn't know what he can do about it. If the proposal was the sole generator of traffic that would be one thing, but it will only be a part of an existing problem. If a left-turn only will help alleviate that problem, he would be willing to do that. The visitors of the hotel will not be familiar with the traffic patterns to take the shortcuts.

Ms. Wright stated that another issue is being out of scale and out of proportion of surrounding area might be a concern of the neighborhoods and might need to be addressed with the people who own the property in the subject area. She indicated that there names and addresses of people that are concerned about the subject area.

Mr. Lewis reminded the Planning Commission that the subject site was previously totally developed and paved over. The drainage ran off of the subject property and he has inherited this issue. He is attempting to contain the water and take it to the storm sewers that can handle it.

Ms. Wright asked Mr. Lewis if the current owner is also the property owner of the property north of the subject property. In response, Mr. Lewis answered affirmatively. Ms. Wright asked if there would be an additional commercial building on the property to the north, adding more drainage and elevation issues. In response, Mr. Lewis stated that there will be additional drainage, but it will not be more than was presently there before. The drainage patterns have not changed and the impervious areas have not changed. In response to Ms. Wright, Mr. Lewis stated that the traffic for the two properties she is speaking of will be closer to 51<sup>st</sup> Street and that is where he feels most of the traffic will be going.

**Mickey Patel**, 5525 West Skelly Drive, 74107, stated that ideally the best thing that could happen to the site is to resurrect it from the ruin it is in right now. A hotel use in the subject area is appropriate in his opinion. In two years all of the neighbors will want to come and have breakfast with the hotel. The hotel will be a very "Class A" project. This will be an extended stay hotel and it will have a lot of breakfast amenities. It will be like a neighborhood and it is a low-use, not an everyday in and out hotel, which will add a tremendous value to the neighborhood.

Mr. Patel addressed the traffic issue by having some calculations together for hotel use. At 80 percent occupancy, which is the very high-end of occupancy, there would be 60 cars on any given day. Most of the cars would not leave at the same time, but they usually leave in increments of five to fifteen minutes apart. He predicted that 60 cars from 7:00 a.m. to 9:00 a.m. would be gone from the hotel and probably return around 6:00 p.m. He doesn't believe that the hotel traffic will be a concern on Vandalia. His guests bring a lot of dollars to the community.

**Interested Parties in Opposition:**

**Gerald H. Barnes**, 5234 S. Toledo, 74135 (Submitted a map with traffic numbers Exhibit A-1); **Doug Duke**, 4111 East 53<sup>rd</sup> Place, 74135; **Larry Johnson**, 5216 South Toledo, 74135 (Submitted photographs (Exhibit A-1) and petitions Exhibit A-2); **Edna Smithline**, 5219 S. Toledo, 74135.

**Interested Parties in Opposition Comments:**

Described the surrounding uses; concerns regarding traffic in the subject area and cut-through traffic in the neighborhood; Vandalia is not capable of handling additional traffic; only two access points in the subject area, Vandalia and 54<sup>th</sup> Street; there is a street called 53<sup>rd</sup> Street, but it is more like an alley and too narrow for two cars; cited the traffic study conducted by Mr. Barnes (See Exhibit A-1); traffic funnels into the neighborhoods to the west; concerns that if traffic from the hotel is forced to turn left on Vandalia, then the office buildings will see the backup of cars and funnel through the neighborhood; concerned that there will be two hotels in the subject area; hotels will depreciate the surrounding properties' value; inadequate waterlines in the subject area; hotel would be out of character for the subject area; the proposal will start a slippery slope of commercial uses in the subject area; residential and office use is the most appropriate use for the subject property; the subject area was zoned residential until 2005; neighbors daily walk their children through the streets; precedent would be set by allowing a high intensity development less one block away from single-family residents; wait to develop the subject property after Planitula has completed the Comprehensive Plan updates; we do not want a hotel; do not want strangers in the neighborhood; keep the neighborhood like it currently exists; 53<sup>rd</sup> Street used to be a private drive to a home, which is now 5400 Apartments; the



applicant is making a lot of assumptions that the neighborhood is going to like his hotel; creed and money is moving this application.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Barnes if the traffic is the number one issue. In response, Mr. Barnes stated that traffic is a big issue and height of the building is an issue too.

Ms. Cantrell asked Mr. Barnes if anyone in his neighborhood thought of requesting that 53<sup>rd</sup> Street be closed to prevent the cut-through traffic. In response, Mr. Barnes stated that he thought it would be a fine idea, but he understands that it is a dedicated street.

Ms. Wright asked Mr. Barnes what he thought a good use would be for the subject property. In response, Mr. Barnes stated that he doesn't have a suggestion. The owner of the subject property has invested in the land and with any investment there is risk. He concluded that he hopes there is a use for the subject property that could be profitable for the owner and consistent with the neighborhood, but he doesn't know what that is. Mr. Barnes stated that with due respect he doesn't believe that this a proper question for this Planning Commission to be concerned with either.

Ms. Wright asked Mr. Duke what his area of civil engineering is. In response, Mr. Duke stated that it is traffic mostly and drainage second. Ms. Wright asked Mr. Duke to share his expertise with the Planning Commission regarding drainage in the subject area. In response, Mr. Duke stated that he hasn't been a long-time resident in the subject area. He further stated that he doesn't believe the drainage and the traffic are big concerns because that is with any development and there are things that can be done to mitigate it. He is concerned more with the character and nature of the development being a hotel close to residential. Whether the hotel is one story or five stories, it will be the same impervious area and will not affect it either way.

Mr. Carnes out at 2:59 p.m.

Ms. Wright asked Mr. Johnsen to give her some history about when he found out about the rezoning and PUD. In response, Mr. Johnson stated that a neighbor who was within the 300-foot radius informed him of the application. He expressed concerns that the 300-foot radius doesn't reach out far enough to notify residents. He indicated that he shared the notice information with the neighborhood association. Mr. Johnson believes that rezoning affects people within ½ mile to one mile of the subject area.

Ms. Wright asked Mr. Johnson if there are regular homeowner's association meetings. In response, Mr. Johnson answered negatively. Ms. Wright stated that it is wise to meet with developers because some of the issues that have

been brought up deal with land issues. She asked Mr. Johnson if the HOA is to the point where they could meet with the developer. In response, Mr. Johnson stated that he would be happy to meet with the developer. Mr. Johnson further stated that there is a lot more of an impact than just the visitors; there will be employees, deliveries, etc.

Mr. Midget asked Mr. Johnson if his HOA is registered. In response, Mr. Johnson answered affirmatively. Mr. Midget stated that the Planning Commission goes outside of the required 300 feet for noticing by notifying the HOAs that are registered with the Mayor's office. It is up to the HOAs to distribute the notice to their membership. The Planning Commission desires to make sure that the HOAs are advised of planning that is occurring in their area and distribute out to their association members the best way possible. Every effort is put forth to try and notify everyone about upcoming development in an area.

Ms. Matthews stated that there is one person on INCOG staff, one person on City of Tulsa's staff and another person who works for a private organization who has been in the past a member of the HOA and all three have stated that they have not met with or received notification of any types of meetings. Checking the notice labels, it appears that the HOA in the subject area is not registered with the City of Tulsa.

Mr. Midget reiterated that the TMAPC and the City try to notify citizens and it is not our desire to keep citizens in the dark because it doesn't help the City at all. In response, Mr. Johnson stated that the HOA fell asleep. Mr. Midget stated that he just wanted to make that point because this is being aired on TGOV and he doesn't want a mistaken notion going out that the City and TMAPC is derelict in our responsibility of trying to notify the public because we put forth every effort possible. Staff exceeds what the law requires in order to make an effort to notify.

Mr. Ard stated that there are three methodologies to make public notice and INCOG is required to use two of the three and they use all three: Print media, mailings and posting of public notice signs on the subject property under application. Mr. Ard further stated that there will always be somebody right outside of the line of noticing. He encouraged the neighborhood to form an association and register with the City of Tulsa.

**Interested Parties in Support Comments:**

**Mike Craddock**, 3153 East 44<sup>th</sup>, 74105, stated that he is a real estate broker and specializes in the hotel and motel sales. He further stated that he is not a paid consultant or part of the subject transaction. Mr. Craddock indicated that he knows the gentlemen presenting the proposal and he knows the subject area extremely well. In his opinion the subject property is very attractive for hotel/motel use. The subject land has been presented for two types of uses, office and hotel, and he was unable to get anyone interested in office uses

because of the dynamics of the area. Hotels from a "per square foot cost", wants land that is cheaper than what is considered retail or the frontage. The subject property already has the buffers that one normally has when going into development. There is the mini-storage to the west where it doesn't abut residential. Drainage and the traffic on Vandalia are existing issues and have to be addressed from a city-wide standpoint and not just this neighborhood. One wouldn't want to punish one property owner for the past underdevelopment of a road or drainage. The athletic center was a much higher use with people coming and going, where the hotel may have four employees and there won't be the same impact on traffic as the athletic center. He concluded that he knows the owner and the properties that they have owned and operated, which are extremely high-classed properties. This is a franchise and they have extremely high standards that the property owner has to adhere to. Mr. Craddock stated that he would be in favor of the rezoning.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Craddock why office wouldn't work on the subject property. In response, Mr. Craddock stated that he didn't say it wouldn't work, but he did say that the subject property has been presented at monthly marketing meetings for years as a commercial/office use.

Ms. Cantrell asked if anyone had thought about building multifamily on the subject site. In response, Mr. Craddock stated that it is very small for residential. To build a successful multifamily, it would require 200 to 300 units to make it economically feasible.

**Applicant's Rebuttal:**

Mr. Lewis stated that he sympathizes with the concerns of the neighborhood, particularly on the traffic. In the past the City has cut off streets to eliminate cut-through traffic. He would be willing to do everything possible to mitigate the traffic by installing left-turn lanes, but he would not be able to solve everyone's problems in the subject area.

Mr. Lewis stated that he believes this would be one of the better uses than other uses that would impact the subject area under the existing zoning.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Lewis if he has done any conceptual line-of-sight drawings. In response, Mr. Lewis answered negatively.

Mr. Ard asked if the only feasible way to get a building on the subject site is have it run east and west. In response, Mr. Lewis stated that he would have to let the owner answer that question. Mr. Ard asked Mr. Lewis if he would have a problem with the Planning Commission making a condition that the building can only run east and west. In response, Mr. Lewis stated that he believes that is

probably the only way the building will fit on the subject property. An east/west building would be less intrusive than running north/south.

Mr. Patel stated that the east/west is probably the most efficient way that the building can be laid out. He did request for some flexibility and not be tied down to east/west or north/south. He further stated that he would like the additional FAR requested so that during design phase he has a buffer.

Mr. Ard asked Mr. Patel about conditioning the PUD that the building run east/west. In response, Mr. Patel stated that going east/west seems to be the most efficient way. Mr. Patel further stated that the building will be very pretty and he wouldn't want to obstruct it with an eight-foot wall. He would prefer to have wrought iron with a softer look. He invited everyone to a similar operation in Tulsa at 71<sup>st</sup> and Highway 169. This will be an extended-stay concept hotel and he would like to give the neighborhood a tour. He commented that he would like to create a neighborhood veteran's day breakfast when the hotel is built. Mr. Patel stated that he would also like to become a part of the homeowners association.

Ms. Cantrell urged Mr. Patel and Mr. Lewis to meet with the neighbors before this goes to City Council. She realizes that the neighbors weren't organized prior to today, but now she believes it would be possible to meet with them. Mr. Patel stated that he is already feeling like he is part of the neighborhood.

Ms. Wright asked Mr. Patel if he would be agreeable to continuing this application and allow for a meeting with the neighbors to discuss the subject property and the property to the north. In response, Mr. Patel stated that he is under a tremendous time deadline for the south lot for the closing and financing. He indicated that he would like to meet the neighbors tomorrow and bring them up to speed of the sophistication level of the proposal and how good a neighbor he will be.

In response to Ms. Wright, Mr. Patel stated that he didn't even look at Toledo because his focus was on Vandalia. He further stated that his guests would not know where Toledo is located because they are out-of-state guests, professionals doing work. His guest will not know all of the back street areas to get in and out. He commented that he is not sure what Ms. Wright is referring to when it comes to Toledo and to be able to shut down. If this is something the neighbors want and it is viable from an engineering perspective he will cooperate with anyone.

In response to Ms. Cantrell, Mr. Sansone and Ms. Matthews explained the staff recommendations in relationship to the Comprehensive Plan.

In response to Mr. Sparks, Mr. Sansone stated that the parking for a health club or fitness facility is one for every 150 square feet and for a hotel it is one parking

space required per guest room and one parking space for every 250 SF of public area. The health club would require more parking. In response, Mr. Sparks stated that he believes that if the health club were rebuilt, there would be more parking and more traffic than if a hotel is built. In response, Mr. Sansone concurred with Mr. Sparks' comments.

Mr. Ard stated that he will be supporting the staff recommendation. This is a contentious application and this is a large commercial node. The subject site is a commercial site. If it were for the small RS-2 area needing the zoning change he believes that the hotel could have been there previously without having to come back with a PUD. There is cut-through traffic in the subject neighborhood and he doesn't believe that the subject hotel will add significantly to that. Of the allowable uses, there are heavier uses that would increase traffic much more than a proposed hotel. He understands the concerns of the neighbors, but the alternative is to leave the subject site vacant. There were no alternative uses proposed by the interested parties that would allow a commercial development on the subject tract and this is a commercial site. The owner has the right to develop the subject property under the current Zoning Code. An extended-stay hotel probably has less traffic than a regular hotel/motel. Vandalia has problems, but that will be improved in time and it is not within the bounds of what the Planning Commission's decisions rest on for the zoning change. He would support staff's recommendation with the noted changes that were asked for by the applicant and a condition that the proposed hotel will be configured in an east/west manner on the site, and at detail site plan there is some restriction to left-hand turns out of the access points on Vandalia.

Ms. Shivel stated that there were several things that he heard that is driving him in the direction he is going. Mr. Sansone stated that the applicant was selecting to downsize the potential density that they could have been authorized to use based on the current zoning. There is considerable buffering on all four sides of the subject property and heavy growth area of trees, which will mitigate a lot of the sight line issues. He indicated that he will be supportive of the plan.

Mr. McArtor stated that he is particularly supportive of the rezoning. In the past office has been considered for the subject property, but there have been no takers and residential has been considered but it is too small. It is inevitable that there will be some type of development on the subject property and because of the high intensity surrounding the property it seems appropriate to rezone the subject property.

Mr. McArtor moved to approve staff recommendation for the rezoning of CG for Z-7099.

Second by Sparks.

Ms. Wright read the Zoning Code parking requirements for the hotel. She believes that they are maxed out and so she is not sure it is a voluntary downsize or that this is all that they can do under the zoning. Her main concern is that there has not been a meeting with the neighborhood. She believes that possibly there could be a meeting to come up with some concessions or suggestions that would be more palatable to the neighborhood. Ms. Wright expressed concerns with the rezoning and what the rezoning would allow if the hotel doesn't build. She believes it is wishful thinking that the City will come in and do something to the streets in the subject area. Ms. Wright indicated that she will not be supporting the zoning change or the PUD because the dialogue between the neighborhood and developer has not yet happened.

Ms. Cantrell stated that it is critical that the developer and neighborhood meet. She does believe that at this point, there is no reason to delay it and they can make the effort before it goes to City Council. She would have preferred to see this as medium intensity residential, but she understands that it can't sit on that small piece of property. She indicated that she will support a hotel with one added caveat regarding possibly closing 53<sup>rd</sup> Street. Ms. Cantrell asked who would actually have the ability to close a street.

In response to Ms. Cantrell, Mr. Alberty stated that a street closing would be carried out by the Traffic Engineering Department, Public Works. In the past the Planning Commission has suggested that they study an area and determine if it is possible to improve to a full street size or close it.

Mr. Ard stated that 53rd street is not contiguous with the subject site and he asked how the Planning Commission would frame that request. In response, Mr. Alberty stated that it would be a separate motion and couldn't be tied to the subject application because it is not a part of the proposed development.

Mr. Midget stated that it would be helpful to get the developer and the residents to talk about the closing of the street. There may be only three or four who want the street closed and possibly the rest of the neighborhood are opposed to the street closing. This is not part of the development and it is not the developer's responsibility to handle this request.

Mr. Ard requested Mr. McArtor to restate his motion.

**TMAPC Action; 9 members present:**

On **MOTION of MCARTOR**, TMAPC voted **8-1-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, Smaligo "absent") to recommend **APPROVAL** of the CG zoning for Z-7099 per staff recommendation.

**Ms. Wright out at 3:49 p.m.**

Mr. Sansone informed the Planning Commission that while the underlying zoning would allow most of Use Unit 19, the applicant is limiting the use in the PUD to hotel/motel use. If any other uses for Use Unit 19 were proposed, it would require a major amendment and another public hearing.

Ms. Cantrell asked staff if they had any problems with a wrought iron fence rather than masonry. In response, Mr. Sansone stated that if it is wrought iron he would like to see additional landscaping along the wrought iron to prevent seeing through and to screen the cars and their headlights.

Ms. Cantrell requested that there be left-turn lanes only if the for some reason 53<sup>rd</sup> Street isn't closed.

Mr. Sansone summarized the changes proposed: 1) access and circulation: add all exits from site be designated as left-turn only and placard it in such a manner that it is highly visible for exiting vehicles, not applicable should 53<sup>rd</sup> at or near Toledo be closed; 2) maximum permitted floor area: 50,684 SF (.75 FAR); 3) limit the room to 78 units; 4) east/west orientation of the proposed building; 5) six-foot in wrought iron fence with excessive landscaping to prohibit the fence from being seen through.

**TMAPC Action; 8 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of PUD-764 subject to the changes as follows: 1) access and circulation: add all exits from site be designated as left-turn only and placard it in such a manner that it is highly visible for exiting vehicles, not applicable should 53<sup>rd</sup> at or near Toledo be closed; 2) maximum permitted floor area: 50,684 SF (.75 FAR); 3) limit the room to 78 units; 4) east/west orientation of the proposed building; 5) six-foot in height wrought iron fence with excessive landscaping to prohibit the fence from being seen through per staff recommendation.

**Legal Description for Z-7099:**

The South 262.00 feet of the North 528.00 feet of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (SE/4 NW/4 NE/4 NE/4) and of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (NE/4 SW/4 NE/4 NE/4) of Section Thirty-Three (33), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof. LESS and EXCEPT the East 25.00 feet thereof; **From RS-2/OM (Residential Single-family District/Office Medium Intensity District) To CG (Commercial General District).**

**Legal Description for PUD-764:**

Part of the SE/4 NW/4 NE/4 NE/4 and of the NE/4 SW/4 NE/4 NE/4 of Section 33, T19N, R13E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows: Commencing at the Northwest corner of said SE/4 NW/4 NE/4 NE/4; thence S01°25'36"E along the west line of said SE/4 NW/4 NE/4 NE/4 290.90 feet; thence N88°39'32"E 164.52 feet; thence S01°20'28"E 35.43 feet; thence N88°39'32"E 140.65 feet to a point on the east line of said SE/4 NW/4 NE/4 NE/4; thence S01°25'36"E along said west line 201.61 feet; thence S89°40'09"W 305.20 feet to a point on the west line of said NE/4 SW/4 NE/4 NE/4; thence N01°25'36"W along the west line of said SE/4 NW/4 NE/4 NE/4 and NE/4 SW/4 NE/4 NE/4 236.98 feet to the point of beginning; LESS and EXCEPT the East 25.00 feet thereof; containing 1.55 acres, more or less. **From RS-2/OM (Residential Single-family District/Office Medium Intensity District) To CG/PUD (Commercial General District/Planned Unit Development [PUD-764]).**

**TMAPC COMMENTS:**

Mr. Ard informed the interested parties that the Planning Commission appreciates all of their emails and comments. The developer has committed to spend some time with the neighbors and talk about the proposal. The applicant wants to be a good neighbor and he encourages the neighbors to take this opportunity. The Planning Commission is a recommending body and the City Council will have the final vote on the zoning and PUD.

Ms. Cantrell moved to **APPROVE** the recommendation to Traffic Engineering to begin the process of looking at closing 53<sup>rd</sup> Street at or near the east side of Toledo.

Mr. Sparks seconded.

**TMAPC COMMENTS:**

Mr. McArtor stated that he has problem with the idea of closing because it becomes heavy with that wording. He believes the Planning Commission could simply say that they heard some evidence during the public hearing that created some concerns and would like Traffic Engineering to look into the viability of the street. Mr. McArtor further stated that the road had to be created for a reason and it has been there for a long time.

Ms. Cantrell stated that she would prefer to see it closed and if Traffic Engineering says that it can't be closed, that is fine. This is just a recommendation that they look into the possibility of that.

Mr. McArtor stated that the motion sounds like it is a recommendation to close the street and he doesn't believe the Planning Commission has heard nearly enough information in today's hearing to recommend a closing of a street. There



are five or six people from the neighborhood present today who didn't like the street given this particular proposal. He wouldn't want to vote for a motion that would go to Traffic Engineering indicating that the Planning Commission wants the street closed. Mr. McArtor concluded that he doesn't know if he wants the street closed and he doesn't have a problem with Traffic Engineering looking into the viability of the street.

Mr. Walker stated that he is not sure that the Fire Department doesn't use that street to access Yale. He is not sure they would close the street.

Mr. Midget expressed concerns that there may be neighbors who do not want the street closed. He commented that looking into the viability doesn't mean it will be closed.

Mr. Marshall recommended that the neighborhood association get together and discuss the street and let them approach the City of Tulsa regarding the closing request.

Mr. Boulden explained the process of street closings. He advised that it is appropriate for the Planning Commission to ask the Traffic Engineer look into the advisability of closing the street, but if indeed they determine it is advisable, perhaps on their own application, they would go to the City Council for an ordinance to close the street and at that time the City Council would hold a public hearing and notify within 300 feet properties, then determine if it should be closed to the public.

Mr. Ard reminded the Planning Commission that Ms. Cantrell has a motion on the floor and it was seconded.

After discussion Ms. Cantrell accepted the friendly amendment from Mr. McArtor.

**TMAPC Action; 8 members present:**

On amended **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to **APPROVE** the Planning Commission to request the Traffic Engineering Department to reconsider the viability of 53<sup>rd</sup> Street east of Toledo.

\* \* \* \* \*

12. **Z-7107 – Lou Reynolds**

**RS-3 to PK**

West of the southwest corner of East 37<sup>th</sup> Street and (PD-6) (CD-9)  
South Peoria Avenue

**STAFF RECOMMENDATION:**

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

**PROPOSED ZONING:** PK

**PROPOSED USE:** Parking lot

**RELEVANT ZONING HISTORY:**

**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 South Peoria Avenue and East 38<sup>th</sup> Street South.

**BOA-17826 September 1997:** The Board of Adjustment approved a variance of the 5' required landscape strip between a parking lot and residential property; a variance of the required 50' setback from the street; and a variance of the required screening between a parking lot and R-zoned district, subject to a tie agreement between the owner of the lot and the owner of the adjoining commercial business and subject to the site plan submitted. The property is located west of the southwest corner of East 37<sup>th</sup> Place and South Peoria Avenue.

**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 East 37<sup>th</sup> Place and South Peoria Avenue and south of subject property.

**PUD-423 February 1987:** Staff recommended for denial of a proposed Planned Unit Development on a .2± acre tract of land to expand an existing duplex into triplex dwelling unit on property located east of the northeast corner of South Peoria Ave and East 37<sup>th</sup> Street. TMAPC and City Council agreed in approving the proposed development.

**PUD-349 March 1984:** All concurred in approval of a proposed Planned Unit Development a .66± acre tract of land zoned CH and OL for construction of a two-story addition onto an existing structure which encroaches into the OL zoned portion of tract, on property located on the northeast corner of East 37<sup>th</sup> Street South and South Peoria Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .5± acres in size and is located west of southwest corner of East 37<sup>th</sup> Street and South Peoria Avenue. The property appears to be parking lot and is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Peoria Avenue	Urban arterial	70'	4
East 37 <sup>th</sup> Place	N/A	N/A	2
East 38 <sup>th</sup> Street	N/A	N/A	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a strip commercial center, zoned CH; on the north by residential uses, zoned RS-3; on the south by residential uses, zoned RS-3; and on the west by residential uses, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within the Brookside Special District – Brookside Business Area. According to the Zoning Matrix, the requested PK zoning **may be found** in accord with the Plan by virtue of its being within a Special District.

**STAFF RECOMMENDATION:**

The need for additional parking facilities in the Brookside area has been recognized for many years. If properly developed, parking can be a good buffer between residential and commercial/office uses. If rezoned to PK, the developer/owner must comply with the Zoning Code requirements for that designation and must plat or request a plat waiver. Apparently the existing parking use has been nonconforming and the applicant is seeking to remedy that or expand the use. Therefore, based on the District 6 Plan, the Brookside Infill Development Design Recommendations study and documented need, staff recommends **APPROVAL** of PK zoning for Z-7107.

**TMAPC COMMENTS:**

In response to Mr. Ard, Ms. Matthews explained that the applicant will have to meet all of the requirements regarding screening as in the Zoning Code.

In response to Ms. Cantrell, Ms. Matthews stated that there are two lots and one is in the business section and the other is in the neighborhood. The plan describes parking as appropriate transitional use. Mr. Marshall explained the boundaries of the study.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, represents the W.H. Allen Company and submitted photographs (Exhibit B-1). Mr. Reynolds described the subject property as having no parking except for the gravel parking that currently exists. Mr. Reynolds submitted a conceptual site plan (Exhibit B-2) and explained that he would be going to the Board of Adjustment. This proposal will provide a good transition to the neighborhood.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Reynolds if his client has plans to scrape the center on Peoria and redevelop it. In response, Mr. Reynolds answered affirmatively.

Mr. Marshall complimented Mr. Reynolds for his concept plan and supplying the information that was recommended in the Brookside Plan.

**Interested Parties Comments:**

**Joan Yates**, 1120 East 37<sup>th</sup> Street, 74105; requested information regarding the screening, landscaping, lighting, etc. She requested that there be a screening fence and that the lighting not spill over onto her property. Ms. Yates indicated that she believes the parking lot will be a good thing.

Staff and the Planning Commission explained that the subject lot will have to meet the PK district requirements for screening, landscaping and lighting.

**Applicant's Rebuttal:**

Mr. Reynolds stated that the lighting will adhere to the Code and there will be no bleeding over.

Mr. Reynolds met with Ms. Yates and explained the conceptual site plan to her and the requirements his client will have to meet.

**TMAPC Action; 8 members present:**

On **MOTION** of **MARSHALL**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of the PK zoning for Z-7107 per staff recommendation.

**Legal Description for Z-7107:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 NE/4 SE/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT A POINT 240 FEET WEST AND 25 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHEAST

QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 NE/4 SE/4); THENCE SOUTHERLY AND PARALLEL TO THE EAST LINE OF THE SE/4 OF THE NE/4 OF THE SE/4 A DISTANCE OF 140 FEET TO A POINT; THENCE WESTERLY AND PARALLEL TO THE NORTH LINE OF THE SE/4 OF THE NE/4 OF THE SE/4 A DISTANCE OF 120 FEET TO A POINT; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF THE SE/4 OF THE NE/4 OF THE SE/4 A DISTANCE OF 140 FEET TO A POINT; THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF THE SE/4 OF THE NE/4 OF THE SE/4 A DISTANCE OF 120 FEET TO THE POINT OF BEGINNING; **From RS-3 (Residential Single-family District) To PK (Parking District).**

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13. **Z-7108 – Charles E. Norman**

**AG to IH**

North of northwest corner of East Pine Street and North 145<sup>th</sup> East Avenue (PD-16) (CD-6)

**STAFF RECOMMENDATION:**

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

**PROPOSED ZONING:** IH

**PROPOSED USE:** Heavy industrial

**RELEVANT ZONING HISTORY:**

There is no relevant zoning history pertaining to this property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 10± acres in size and is located north of northwest corner of East Pine Street and North 145<sup>th</sup> East Avenue. The property appears to be vacant and is zoned AG.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North 145 <sup>th</sup> East Avenue*	Primary arterial	120'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned-I-1 in Rogers County; on the north by vacant land, zoned AG in Tulsa; on the south by vacant land, zoned AG; farther south of Pine Street by industrial

uses, zoned IL; and on the west by land with major topographic challenges and water features (concrete plant), zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 2 – Industrial and Airport Related Uses. According to the Zoning Matrix, the requested IH zoning **may be found** in accord with the Plan by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

This use lies within an area designated for industrial and related heavier-intensity-type uses. Moreover, many of those types of uses already exist there. North 145<sup>th</sup> East Avenue is a designated primary arterial and will be improved to those standards at some point in time. Therefore, based on the District 16 Plan, existing uses and trends in the area, staff recommends **APPROVAL** of IH zoning for Z-7108.

**Applicant's Comments:**

**Kenneth King**, 10022 East 40<sup>th</sup> Street, 74146, stated that his wife is the owner of the subject property and applicant. He indicated that four property owners were notified and there was no opposition to the subject application.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of the IH zoning for Z-7108 per staff recommendation.

**Legal Description for Z-7108:**

Northeast Quarter of the Southeast Quarter of the Southeast Quarter, Section 28, T-20-N, R-14-E, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; **From AG (Agriculture District) To IH (Industrial Heavy District).**

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15. **PUD-360-E – Lou Reynolds**

(PD-18c) (CD-8)

Northwest corner of South Memorial Drive and East 91<sup>st</sup> Street South (Major Amendment to add Use Unit 13-Convenience Goods and Services and Use Unit 15-Other Trades and Services to allow for a dog grooming and indoor kennel/boarding facility.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21027 dated April 11, 2005, and 17227 dated October 12, 1989, established zoning for the subject property.

**PROPOSED ZONING:** RM-0/CS/PUD-360-E    **PROPOSED USE:** Dog grooming and boarding facility

**RELEVANT ZONING HISTORY:**

**PUD-704/Z-5620-SP-12 May 2004:** All concurred in approval of a proposed Planned Unit Development on a 12.08± acre tract of land for an automobile dealership on property and with modifications located south of the southeast corner of East 91<sup>st</sup> Street and South Memorial Drive and southeast of subject property.

**PUD-360-C April 2005:** Approval was granted for a major amendment to PUD-360 from TMAPC and City Council to allow a woman's health facility on property located north of the northwest corner of East 91<sup>st</sup> Street and South Sheridan Road and a part of the subject property.

**PUD-360-B February 2003:** All concurred in approval of a request for a major amendment to permit an hourly daycare center on the subject property.

**Z-6516 January 1996:** All concurred in approval of a request for rezoning a 4.17± acre tract of land from CS to OL for mini-storage on property located north of northwest corner of East 91<sup>st</sup> Street South and South Memorial Drive and abutting north of subject property.

**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.

**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 subject property.

**PUD-405-H June 2000:** All concurred in approval of a request for a major amendment to PUD-405 to add 16,000 square feet of allowable floor area to the existing automobile dealership on Lot 5 to expand the business on the adjoining Lot 6. The property is located on the northeast corner of East 92<sup>nd</sup> Street and South 78<sup>th</sup> East Avenue.

**Z-6508/PUD-386-A November 1995:** A request to rezone a 13.9 acre tract located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses. All concurred in approval of a request to rezone the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

**BOA-16212 December 1992:** The Board of Adjustment approved a Special Exception to permit a church in an AG district, subject to plans submitted on property located east of the northeast corner of E. 91<sup>st</sup> St. S. and S Memorial.

**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 91<sup>st</sup> Street South and South Memorial Drive

**PUD-360 August 1984:** All concurred in a proposed Planned Unit Development on a 20-acre tract, which included the subject property, zoned CS/RM-0 for a mixed-use development.

**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 81<sup>st</sup> and 91<sup>st</sup> Streets, west of Memorial Drive and abutting the subject property on the west.

#### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 20± acres in size and is located northwest corner of South Memorial Drive & East 91<sup>st</sup> Street South. The property appears to be a shopping center and is zoned RM-0/CS/PUD-360.

#### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Memorial Drive	Primary Arterial	120'	4
East 91 <sup>st</sup> Street South	Secondary Arterial	100'	2

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



**SURROUNDING AREA:** The subject tract is abutted on the east by part of Lot 1, Block 1 – Homeland 0102, zoned RM-0/PUD-360 and then Memorial Drive and Square Ninety-One, zoned CS; on the north by an unplatted tract, zoned AG; on the south by Lot 2, Block 1 – Commercial Center, zoned RM-O; and on the west by Chimney Hills South Resubdivision Blocks 32, 33, 34, 39, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium intensity. According to the Zoning Matrix, the existing CS and RM-0 zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-360-E is a major amendment request to PUD-360, located on the northwest corner of Memorial Drive and 91<sup>st</sup> Street South. The 20 acre/871,200 square foot (SF) tract is mostly built-out with the exception of two tracts, including the tract which is the subject of this request. This lot is 73,519 SF or 1.73, is located in the northwest corner of PUD-360 and is identified as Lot 1, Block 1 – Commercial Center (see Exhibit A).

The parcel is boarded on the north by an unplatted piece of property owned by ONEOK, is used for underground gas utilities and will not be developed further; on the west by an RS-3 district; and on the south and east by other tracts of PUD-360.

The PUD has had four (4) major amendments approved: one reducing the setbacks from Memorial Drive and 91<sup>st</sup> Street and reducing the open space/landscape requirement; the others to add Use Unit 5 for a Children's Nursery and Use Unit 19 to allow for a woman's health club. The basis of this major amendment request is to add Use Unit 13 – Convenience Goods and Services and Use Unit 15 – Other Trades and Services to allow for a dog grooming and indoor kennel/boarding facility.

Both of these uses are permitted as a matter of right in the CS zoning district, the underlying zoning of PUD-360, as well as, RM-0.

Other than the request for two additional use units, limited to dog grooming and boarding facility being allowed on this lot only, all other development standards of PUD-360, Development Area A-2-A would remain effective. In addition and in order to minimize any potential impact to the Chimney Hills South neighborhood to the west, the applicant is placing several restrictive development standards on PUD-360-E.

The building will not face the neighborhood to the west, and will not have any public entrance within 100 feet of the west boundary of the PUD. All business on the subject lot will be conducted entirely indoors (except that dogs may be walked outside between the hours of 7:00 a.m. and 7:00 p.m.). There will be no

outside kennels, runs or play area, and no bulk trash container located within 120 feet of the west boundary of the PUD. The enclosure for the bulk trash container shall be masonry type (except for gates) and be designed to match the front of the building.

Given the limitations being placed on the operation of the aforementioned facility, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-360-E to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of major amendment PUD-360-E subject to the following conditions as amended by the TMAPC (items with strikethrough have been deleted, items underlined have been added in):

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

### **DEVELOPMENT AREA 2-A-2**

**NET LAND AREA:**

3.17 acres

#### **PERMITTED USES:**

As permitted in the CS District except within the west 200 feet of the PUD which except as modified below shall be restricted to Use Units 11 (Offices, Studios and Support Services), 14 (Shopping Goods and Services) and 12 (Eating Establishments, Other than Drive-Ins) within the west 70 feet of the west boundary line of the PUD subject to the following restrictions: Such Use Unit 12 use shall not face the neighborhood to the west, shall not have any public entrance within 100 feet of the west boundary of the PUD, shall not have a drive-in window, shall have hours of operation limited to the hours of 6:00 a.m. to 11:00 p.m., shall not have a bulk trash container located within 120 feet of the west boundary of the PUD, and that the enclosure for the bulk trash container shall be of a masonry type (except for gates) similar to the front of the building.

Use Unit 5 (Children's Nursery) shall be allowed with the following restrictions: Such Use Unit 5 shall not face the neighborhood to the west, shall not have any public entrance within 100 feet of the west boundary of the PUD, shall be conducted entirely indoors, and there shall be no outside playground or play area, shall have hours of operation limited to the hours of

6:30 a.m. to 12:00 midnight, shall have a maximum building size of 3,000 square feet, shall not have a bulk trash container located within 120 feet of the west boundary of the PUD, and that the enclosure for the bulk trash container shall be a masonry type (except for gates) similar to the front of the building.

Use Unit 19 (Fitness Club) with the following restrictions: Such Use Unit 19 shall be for women only, shall not face the neighborhood to the west, shall not have a public entrance within 100 feet of the west boundary of the PUD, shall be conducted entirely indoors, shall have a maximum building size of 14,600 square feet, shall not have bulk trash container located within 120 feet of the west boundary of the PUD, and that the enclosure for the bulk trash container shall be of a masonry type (except for gates) similar to the front of the building.

Dog Grooming (Use Unit 13) and Boarding (Use Unit 15) only within Use Units 13 and 15 with the following restrictions: Such Use Unit 13 and Use Unit 15 use shall not face the neighborhood to the west, shall not have any public entrance within 100 feet of the west boundary of the PUD, shall be conducted entirely indoors (except that dogs may be walked outside between the hours of 7:00 a.m. and 7:00 p.m.), there shall be no outside kennels, runs or play area, shall not have a bulk trash container located within 120 feet of the west boundary of the PUD, and that the enclosure for the bulk trash container shall be masonry type (except for gates) similar to the front of the building.

**MAXIMUM BUILDING FLOOR AREA:**

(Lots 1 and 2, Block 1, Commercial Center): 25,436 square feet.

**MAXIMUM BUILDING HEIGHT:**

35 feet – 2 stories except within the west 200 feet of the PUD where the height shall be restricted to 24 feet/one story

**MINIMUM BUILDING SETBACKS:**

40 feet from the northern boundary of the PUD.

60 feet from the west boundary of the PUD, except for an allowable Use Unit 12 use (Eating Establishments, Other than Drive-Ins) as described in the permitted uses above, which must be setback a minimum of 70 feet from the western boundary of the PUD.

**MINIMUM BUFFER AREA**

40-foot landscape buffer strip in the west boundary of the PUD that includes significant landscaping with large plant materials. Additionally, a screening fence shall be provided along the western and northern boundaries of the PUD.

**MINIMUM PAVING SETBACK:**

40 feet from the western boundary of the PUD.

**ARCHITECTURAL CONFORMANCE REQUIREMENTS:**

The north and west elevations of all proposed buildings within the PUD shall be architecturally similar to the front of the building.

**MINIMUM INTERNAL LANDSCAPING OPEN SPACE AND SITE SCREENING:**

A minimum of 15% of the land area of all lots shall be dedicated as landscaped area. A minimum 6' solid screening wall or fence shall be constructed along the west and northern boundaries of the site.

**MINIMUM PARKING SPACE REQUIREMENTS:**

As required by the applicable Use Unit.

**SIGNS:**

As permitted by the original approval of PUD-360.

**LIGHTING REQUIREMENTS:**

Lighting standards within the west 200 feet of the PUD shall be limited to 15 feet in height. All light standards, including building mounted, shall be hooded and directed down and away from the boundaries of the PUD. Shielding of out door lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from creating a nuisance to a person standing at ground level in adjacent residential areas. Compliance with this standard shall be verified by application of the Kennebunkport formula or other Illuminating Engineering Society of North America (IESNA) recommended practice. Light shall be measured from the top of the screening wall/fence along the lot lines in common with an R District; light shall not exceed .5 foot candles at the property lines in common with the R District.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all building and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the

approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting or plat waiver process which are approved by TMAPC.

**TAC Comments:**

**General:** No comments.

**Water:** No comments.

**Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:**

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**Stormwater:** No comments  
**Wastewater:** No comments.  
**Transportation:** No comments.  
**Traffic:** No comments.  
**GIS:** No comments.  
**Street Addressing:** No comments.  
**County Engineer:** No comments.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Sansone if the specific information regarding hours of operation, the dog runs, etc. will go with the PUD if it changes owners. In response, Mr. Sansone answered affirmatively.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Smaligo, Wright "absent") to recommend **APPROVAL** of the major amendment for PUD-360-E per staff recommendation as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-360-E:**

Lots 1 thru 4, Block 1, "Homeland No. 0102", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 4779, as filed in the records of the Tulsa County Clerk's office. AND Lots 1 thru 2, Block 1, "Commercial Center", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 5877, as filed in the records of the Tulsa County Clerk's office **From RM-0/CS/PUD (Residential Multi-family District/Commercial Shopping Center District/District/Planned Unit Development [PUD-360]) To RM-0/CS/PUD (Residential Multi-family District/Commercial Shopping Center District/District/Planned Unit Development [PUD-360-E]).**

\* \* \* \* \*

16. **CZ-394 – Tommy Cody**

**RS to CS**

West of northwest corner of West 21<sup>st</sup> Street and South 49<sup>th</sup> West Avenue (County)

**STAFF RECOMMENDATION:**

\*Through research it was discovered that a portion of the subject property originally identified as IL is actually zoned IM (The correction has been made to case map and documents).

**ZONING ORDINANCE/RESOLUTION:** Resolution number 98254 dated September 15, 1980, and 136641 dated December 26, 1990, established zoning for the subject property.

**PROPOSED ZONING:** CS

**PROPOSED USE:** Commercial

**RELEVANT ZONING HISTORY:**

**CZ-372 February 2006:** All concurred in approval of a request for rezoning a 40± acre tract of land from RS to IM for industrial use on property located east of the southeast corner of west 21<sup>st</sup> Street and South 49<sup>th</sup> West Avenue and east of subject property.

**CZ-186 December 1990:** A request to rezone a 3± acre tract from RS to IH or CH located west of the southwest corner of 49th West Avenue and West 21st Street South and a part of the subject property. All concurred in denial of IH and CH and the approval of IM zoning on said tract.

**CZ-48 June 1982:** All concurred in approval of a request for rezoning a tract of land from RS to CS on property located south of the southwest corner of South 49<sup>th</sup> Avenue West and West 21<sup>st</sup> Street and east of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.15± acres in size and is located west of northwest corner of West 21<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue. The property appears to be vacant and is zoned RS.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 21 <sup>st</sup> Street South	Secondary arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by large lot single-family residential uses, zoned RS; on the north by industrial and related uses, zoned IM and IH; on the south by residential (one) and vacant land, zoned RS; and on the west by industrial uses, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in Special District 1. Item 3.1 of the District 9 Plan describes this as an area of transition between the high intensity industrial area (Special District 3) to the east and Lookout Mountain to the south. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan by virtue of its location within a special district.

**STAFF RECOMMENDATION:**

The subject site is within the mid-mile and therefore does not meet the definition of a medium intensity node. However, CS zoning is of lesser intensity than the existing IM and could provide the transition called for in the District Plan. Therefore, staff recommends **APPROVAL** of CS zoning for CZ-394.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MARSHALL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Smaligo, Wright "absent") to recommend **APPROVAL** of the CS zoning for CZ-394 per staff recommendation.

**Legal Description for CZ-394:**

THAT PART OF THE N/2 OF THE NW/4 OF THE NE/4 OF THE NE/4 OF SECTION 17, T-19-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY DESCRIBED AS BEGINNING AT A POINT 120' WEST OF THE SE CORNER OF SAID N/2, NW/4, NE/4, NE/4; THENCE NORTH 302'; THENCE WEST 120'; THENCE SOUTH 305'; THENCE EAST 120' TO THE POINT OF BEGINNING, LESS THE NORTH 25' THEREOF FOR ROAD. AND BEGINNING 240' WEST OF THE SE CORNER OF N/2, NW/4, NE/4, NE/4 OF SECTION 17, T-19-N R-12-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, THENCE NORTH 330.33'; THENCE WEST 60'; THENCE SOUTH 330.35'; THENCE EAST 60' TO THE POINT OF BEGINNING, LESS AND EXCEPT THE NORTH 50' THEREOF, AND KNOW AS 5108 WEST 21<sup>st</sup> STREET, TULSA COUNTY, STATE OF OKLAHOMA; **From RS/IL (Residential Single-family District/Industrial Light District) To CS (Commercial Shopping Center District).**

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17. **PUD-763 – John Moody**

**RM-1 to RM-1/PUD**

Southeast corner of East 61<sup>st</sup> Street South and South 91<sup>st</sup> East Avenue (PUD to allow a two-story office building and associated parking, lighting, landscaping and signage.) (PD-18) (CD-7)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 16565 dated March 7, 1986, established zoning for the subject property.

**PROPOSED ZONING:** RM-1/PUD

**PROPOSED USE:** Office and accessory uses

**RELEVANT ZONING HISTORY:**

**PUD-390-B April 2003:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 1.15± acre tract of land to modify Development Area B to allow Barber and Beauty Shop uses and other development standards on property located on the northeast corner of East 61<sup>st</sup> Street and South 89<sup>th</sup> East Avenue.

**PUD-390-A January 2002:** Staff recommended denial of a request for a major amendment to the PUD to allow drive-in bank and branch bank facility in Development Area A. TMAPC and City Council concurred in approval of the request subject to the following conditions: to allow a non-back-lit bank sign on the west-facing wall; a six-foot or higher masonry wall constructed of the same brick as the bank building on Development Area A and that there shall be a six-foot high or higher masonry wall on Development Area B with its development, to be reviewed by TMAPC; berming, landscaping and screening wall on west-facing boundary; and one access point on South 89<sup>th</sup> East Avenue per Traffic Engineering approval; on property located on the northeast corner of East 61<sup>st</sup> Street and South 89<sup>th</sup> East Avenue.

**PUD-397-B August 2000:** A major amendment was requested for PUD-397 on property located on the southeast corner of East 61<sup>st</sup> Street and South 90<sup>th</sup> East Avenue across East 61<sup>st</sup> Street and abutting west and south of subject property. The amendment reallocated the development areas and permitted uses, allowing an existing banking facility on a portion of Development Area B, further expanding that development area for additional office use. Development D-1 was approved for multifamily use with office use as an alternative use. All concurred in approval of the major amendment subject to the conditions as recommended by staff.

**Z-6600 October 1997:** All concurred in approval of a request to rezone a 1.8-acre tract located west of the northwest corner of East 61<sup>st</sup> Street South and South 92<sup>nd</sup> East Avenue, from AG to OL for church use.

**PUD-397-A July 1997:** All concurred in approval of a request for a major amendment on 1.6 acres of the original PUD-397 located on the southeast corner of East 61<sup>st</sup> Street South and South 90<sup>th</sup> East Avenue to permit a drive-in banking facility and an amendment to reallocate floor area within the PUD, subject to conditions.

**Z-6049/PUD-397 March 1986:** A request to rezone a 19-acre tract located on the southeast corner of East 61<sup>st</sup> Street and South 91<sup>st</sup> East Avenue from RS-3, RD and RM to RD, RM-1 and PUD. Approval was granted for a portion of RS-3 and RM-1 zoning with the PUD on the entire tract. Those uses allowed were office, mid-rise and low-rise multifamily, elderly housing and single-family residential uses.

**Z-6016/PUD-390 March 1985:** A request to rezone a tract of land from RM-T to OL was recommended for denial by staff and TMAPC and was referred back to TMAPC by the City Commission to allow the applicant an opportunity to file a PUD for a proposed one-story office building. All concurred in approval of the request for rezoning and proposed PUD subject to conditions, on property located on the northeast corner of East 61<sup>st</sup> Street and South 89<sup>th</sup> East Avenue.

**PUD-281:July 1982** All concurred in approval of a proposed Planned Unit Development a 96.58± acre tract of land for mixed residential development on property located south of East 61<sup>st</sup> Street and west of South Mingo Road and abutting subject property to the east.

**BOA-11665 December 3, 1981:** The Board of Adjustment approved a Variance to permit the construction and operation of a private health and athletic club (Use Unit 19) in an RM-1 District, subject to conditions on property located southeast corner of East 61<sup>st</sup> Street and South 91<sup>st</sup> Avenue and the subject property.

**BOA-10026 July 6, 1978:** The Board of Adjustment approved a Special Exception to permit a church on property located west of the northwest of East 61<sup>st</sup> Street and South 92<sup>nd</sup> Avenue and abutting the subject property on the north across 61<sup>st</sup> Street.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.17± acres in size and is located southeast corner of East 61<sup>st</sup> Street South and South 91<sup>st</sup> East Avenue. The property appears to be vacant and is zoned RM-1.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 61 <sup>st</sup> Street South	Secondary Arterial	100'	4
South 91 <sup>st</sup> East Avenue	Residential Collector	60'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Gleneagles Resubdivision, Part Glen Haugen, zoned RS-3/RM-1/PUD-281(stormwater detention); on the north by 61<sup>st</sup> Street and then Woodland View Park, zoned OL and AG; on the south by Woodland Valley Office Park, zoned RM-1; and on the west by 91<sup>st</sup> East Avenue and then Woodland Valley Office Park, zoned RM-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low intensity residential. According to the Zoning Matrix, the existing RM-1 zoning **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-763 is a 2.2 gross acre (95,875 SF) site located on the southeast corner of 61<sup>st</sup> Street South and South 91<sup>st</sup> East Avenue, targeted as a potential office headquarters for Sage Net, a Tulsa based IT firm. The site has 295 lineal feet of 61<sup>st</sup> Street frontage and 245 lineal feet of frontage along South 91<sup>st</sup> East Ave. The entire site will be platted per the requirements of 1107-F of the Zoning Code.

As described in "surrounding area" above, the property is bordered on the east by the Gleneagles (PUD-281) stormwater detention facility, on the north by 61<sup>st</sup> Street and then OL and AG zoned property being used as church and office uses respectively, and on the west and south by PUD-397-B approved for office uses. The subject property is zoned RM-1 and there is a 43' wide City of Tulsa overland drainage easement across the entire front of the property.

The request is to allow a two-story, 27,000 SF office building and associated parking; lighting, landscaping and signage (see Exhibit A). The RM-1 district permits buildings up to 35' tall. The gross square footage of the site would permit 47,937 SF of floor area figured at a .5 FAR as recommended by section 404-F of the Zoning Code for special exception uses in the R Districts. Surrounding area land uses, area zoning and existing drainage are attached herein as Exhibits B – D.

The submitted concept plan and proposed PUD development standards meet or exceed recommended bulk and area requirements, including setback requirements, permitted floor area, landscape, building height, and parking requirements. Appropriate site lighting will be provided as well as a solid

screened trash receptacle. The aforementioned would be verified by the TMAPC through the detail site plan review process. Primary access to the site is proposed from East 91<sup>st</sup> Street. There is no access proposed for 61<sup>st</sup> Street South. Sidewalks will be provided along 61<sup>st</sup> Street and 91<sup>st</sup> East Avenue per subdivision regulations.

Staff finds the amended uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-763 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-763 subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

**LAND AREA:** 1.659 Acres/72,266 SF (net)     2.2 acres/95,875 (gross)

**PERMITTED USES:**

Those uses permitted as a matter of right in Use Unit 11 – Office, Studios, and Support Services and customary accessory uses as permitted in the OL District.

**BULK AND AREA REQUIREMENTS:**

Maximum building height: 35', not to exceed two-stories  
Maximum permitted building floor area: 27,000 SF (.28 FAR)

Minimum parking spaces required: 90 spaces (1/300)  
1 loading birth required

Minimum building setbacks required:

From the east boundary of the PUD: 25 ft.  
From the south boundary of the PUD: 25 ft.  
From the centerline of 61<sup>st</sup> Street: 100 ft.  
From the centerline of South 91<sup>st</sup> East Ave.: 50 ft.

**OFF STREET PARKING:**

As required by the City of Tulsa Zoning Code.

### **MINIMUM LANDSCAPE AND OPEN SPACE REQUIREMENT**

Not less than 15% of the lot shall be dedicated to open space. Perimeter and street frontage landscaping requirements per the City of Tulsa Zoning Code. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

### **SIGNS:**

The site shall be limited to one (1) monument-style ground sign not to exceed 24 SF of display surface area (DSA) limited to 5' in height. Directional signs shall be permitted per section 225, B-3 of the Zoning Code.

### **SITE LIGHTING:**

All light standards, including building mounted, shall not exceed a maximum height of 16 feet above grade and shall be hooded and directed down and away from the boundaries of the PUD. Shielding of out door lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from creating a nuisance to a person standing at ground level in adjacent residential areas. Compliance with this standard shall be verified by application of the Kennebunkport formula or other Illuminating Engineering Society of North America (IESNA) recommended practice. Light shall be measured from 3' above grade along any lot lines in common with an R District or Public ROW; light shall not exceed .5 foot candles at the property lines in common with the R District.

### **SIDEWALKS AND PEDESTRIAN CIRCULATION:**

Pedestrian circulation shall be provided by sidewalks along 61<sup>st</sup> Street South and 91<sup>st</sup> East Avenue. Pedestrian walkways shall be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect. Sidewalks or walkways which cross vehicular aisles or driveways shall be distinguished by a continuous raised crossing, by using contrasting paving material and/or by using high contrast striping.

### **TRASH, MECHANICAL AND EQUIPMENT AREAS:**

All trash, mechanical, electrical, HVAC and equipment areas, 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 at the periphery of the PUD. All screening shall be constructed of materials having an appearance similar to the building to which it serves. All screening shall be maintained by the owners of the building and not be allowed to fall into disrepair or unsightliness.

12. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking lighting and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD

development standards.

13. A detail landscape plan shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
14. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
15. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
16. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
17. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
18. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
19. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

20. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** No comments.

**Water:** No comments.

**Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:**

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**Stormwater:** No comments

**Wastewater:** No comments.

**Transportation:** No comments.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**Applicant's Comments:**

**Mike Dwyer**, 1525 West 36<sup>th</sup>, 74107, stated that he is in agreement with staff's recommendation and his client will comply with the conditions.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of PUD-763 per staff recommendation.

**Legal Description for PUD-763:**

THE NORTH 295' OF THE EAST 295' OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (E/2, E/2, NW/4, NE/4) OF SECTION 1, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDAN, TULSA COUNTY, STATE OF OKLAHOMA; **From RM-1 (Residential Multi-family District) To RM-1/PUD (Residential Multi-family District/Planned Unit Development [PUD-763]).**

\* \* \* \* \*

**18. Z-7109 – Denise Piland**

**RS-4 to OL**

Southeast corner of South Troost Avenue and East 10<sup>th</sup> Street (PD-4) (CD-4)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 18449 dated May 10, 1995, established zoning for the subject property.

**PROPOSED ZONING:** OL

**PROPOSED USE:** Accessory parking

**RELEVANT ZONING HISTORY:**

**Z-6935 May 2004:** All concurred in approval of a request for rezoning a 4.5± acre tract of land from RM-2/PK/OL/CH to OH/OMH on property located southwest corner East 11<sup>th</sup> Street South and South Trenton Avenue.

**PUD-432-E September 2000:** All concurred in approval a request for a major amendment to PUD-432 to add land formerly occupied by the day-old bakery store; to reallocate floor area from the original PUD to the new area; and to add Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services as allowed uses within the new Development Area C area.

**PUD-588 June 1998:** A Planned Unit Development was proposed and approved for a convenience store on a two-acre tract located on the northwest corner of East 11<sup>th</sup> Street South and South Utica Avenue.

**Z-6613 February 1998:** A request was filed to rezone a 4.4-acre tract located on the northeast corner of East 12<sup>th</sup> Street and South Trenton Avenue, zoned RM-2 and OL, and a smaller tract consisting of two small lots located south of the southeast corner of East 11<sup>th</sup> Street and South Utica Avenue and zoned CH. CH or OH zoning was requested for a proposed medical center; staff and TMAPC recommended OH zoning on both tracts and City Council concurred.



**BOA-17860 October 1997:** The Board of Adjustment approved a special exception to allow a parking garage as an accessory use to a hospital in a CH-zoned district and a variance of the setback from the centerline of East 11<sup>th</sup> Street, for the structure. The property is located on the southeast and southwest corners of East 11<sup>th</sup> Street and South Troost Avenue.

**Z-6481 May 1995:** All concurred in approval of a request for rezoning a tract of land from RM-2 to RS-4 on property located and a part of the subject property.

**PUD-432 November 1987:** Approval was granted to develop a 4.5-acre tract located between South Utica Avenue and South Victor Avenue, East 12<sup>th</sup> Street and East 13<sup>th</sup> Street for office use for Hillcrest Hospital.

### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .32± acres in size and is located southeast corner of South Troost Avenue and East 10<sup>th</sup> Street. The property is vacant and zoned RS-4.

### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Troost Avenue	N/A	N/A	2
East 10 <sup>th</sup> Street	N/A	N/A	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a vacant lot, zoned RS-4; on the north by single-family residential uses, zoned RS-4; on the south by the related restaurant, zoned CH; and on the west by an unpaved fenced parking lot and a residence, zoned RS-4. To the southwest of the subject property is a strip of OL zoning.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan.

### **STAFF RECOMMENDATION:**

Based on the surrounding uses, trends in the area and the Comprehensive Plan, staff can support the requested OL zoning and therefore recommends **APPROVAL** of OL zoning for Z-7109.

**Applicant's Comments:**

**Robert Piland**, 2446 East 49<sup>th</sup> Street, 74105, representing the owners of the restaurant stated that he is in agreement with the staff recommendation.

Ms. Matthews stated that she has talked with the representative of the neighborhood association and they are in support of this application.

Mr. Piland stated that he has forwarded his concept plan to the Pearl District Association.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of OL zoning for Z-7109 per staff recommendation.

**Legal Description for Z-7109:**

Lots 13, 14, 15, and 16, Block 9, Park Dale Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-4 (Residential Single-family District) To OL (Office Low Intensity District).**

\* \* \* \* \*

19. **Z-7110 – Lou Reynolds**

**AG TO IH**

East of southeast corner of East 56<sup>th</sup> Street North and  
Mingo Road

(PD-16) (CD-  
3)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

**PROPOSED ZONING:** IH

**PROPOSED USE:** Heavy industrial

**RELEVANT ZONING HISTORY:**

**Z-6959 May 2005:** All concurred in approval of a request for rezoning a 116.2+ acre tract of land from AG to IL for industrial use on property located on the west side of U.S. Highway 169 South between East 46<sup>th</sup> Street North and East 56<sup>th</sup> Street North and abutting subject property to the east.

**Z-6837 October 2001:** All concurred in approval of a request for rezoning a 155± acre tract of land from AG to IM/IH for industrial use on property located on the southeast corner of East 46<sup>th</sup> Street North and U.S. Highway 169 North.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 147± acres in size and is located east of southeast corner of East 56<sup>th</sup> Street North and North Mingo Road. The property appears to be vacant and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 56 <sup>th</sup> Street North	Secondary arterial	100'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a large drainage-way, zoned AG; on the north by the municipal North side Treatment Plant, zoned AG; on the south by vacant/wooded land, zoned AG; and on the west by industrial uses, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being High Intensity-No Specific land use/Special District 2/development sensitive. According to the Zoning Matrix, the requested IH zoning **may be found** in accord with the Plan as it pertains to the eastern portion of the property, which is in the Special District, and **is** in accord with the western portion, in the area designated as High Intensity-No Specific land use. According to the District 16 Plan, Special District 2 calls for industrial and airport-related uses to be located here.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and trends in the area, staff recommends **APPROVAL** of IH for Z-7110.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Smaligo, Wright "absent") to recommend **APPROVAL** of IH zoning for Z-7110 per staff recommendation.

**Legal Description for Z-7110:**

THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4), LESS AND EXCEPT THE NORTH SIXTY (60) FEET OF THE EAST NINE HUNDRED FORTY-ONE (941) FEET LYING NORTH OF THE CITY OF TULSA SPAVINAW WATER LINE PROPERTY, **AND** THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4), LYING NORTH OF THE CITY OF TULSA SPAVINAW WATER LINE PROPERTY, **AND** THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (NW/4 SE/4 NE/4), ALL IN SECTION SEVEN (7), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF **From AG (Agriculture District) To IH (Industrial Heavy District).**

\*\*\*\*\*

**OTHER BUSINESS:**

**Commissioners' Comments**

Mr. McArtor stated that Mr. Ard wrote an article that was in the Tulsa World regarding Planitulsa and it was a wonderful article.

Mr. Ard encouraged everyone to get involved with Planitulsa.

In response to Ms. Cantrell, Ms. Matthews stated that INCOG has purchased Option B of the November APA Web cast and once the CD arrives she will schedule a training session. It will take a few weeks after the live broadcast to receive the CD.

Mr. Ard requested that the Planning Commissioners rotate their attendance of the City Council meetings to represent the prevailing vote. He will be sending an email to the members.

Mr. Marshall explained to the Planning Commission that the City Council expressed concerns of the lack of attendance on a vote for a case that they are sending back to the Planning Commission. He also stated that it would have helped to have a member of the Planning Commission from the prevailing side present because Ms. Wright attended and spoke against the case.

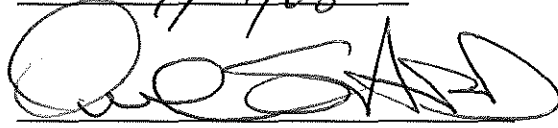
Ms. Matthews stated that in fairness to Ms. Wright she did not represent herself as being a member of the Planning Commission and gave her residence address.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 4:49 p.m.

Date Approved:

9/24/08

A large, stylized handwritten signature in black ink, likely belonging to the Chairman, written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in black ink, likely belonging to the Secretary, written over a horizontal line.

Secretary

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