

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2607

Wednesday, August 3, 2011, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Edwards	Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Swiney, Legal
Leighty		Huntsinger	
Liotta		Matthews	
Midget		Sansone	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 28, 2011 at 4:18 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 Leighty called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Leighty reported that he had an announcement to make with some mixed feelings. Mr. Leighty announced that Mr. Boulden will be retiring from the City of Tulsa Legal Department and will begin working for the City of Bixby as their City Attorney. Mr. Leighty read Mr. Boulden's accomplishments and years of service during his employment with the City of Tulsa. Mr. Leighty commented that in his opinion, Mr. Boulden is the epitome of a true public servant. [Applause]

Mr. Boulden thanked Mr. Leighty for his kind words.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported on the TMAPC receipts for the month of June 2011.

Minutes:

Approval of the minutes of July 20, 2011 Meeting No. 2606

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the minutes of the meeting of July 20, 2011, Meeting No. 2606.

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AGENDA:

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.

1. **LS-20450**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34th Street South
2. **LS-20313**, (Lot-Split) (CD-6) Location: Northeast corner of East Admiral Place and North 183rd Avenue
3. **Partial Vacation of Plat and Amendment of Deed of Dedication and Restrictive Covenants – 9100 Yale**, Location: North of the northeast corner of South Yale Avenue and East 91st Street South
4. **Change of Access – Lot 1, Block 1, Unique Metals**, Location: South of 101st Street South, East of Arkansas River
5. **Correction of Scrivener's Error – Lot 6, Block 14, Blocks 8-14, Shadow Mountain Estates**
6. **PUD-780-1 – HRAOK, Inc./Freedom Square, LLC**, Location: North of the northwest corner of East 51st Street South and South 177th East Avenue, Requesting **Minor Amendment** to increase the permitted amount of a required front yard a driveway may cover from 34 percent to 50 percent, **RS-3**, (CD-6)
7. **PUD-516-C-1 – HRAOK, Inc./101st and Yale Properties, LLC**, Location: Southeast corner of 101st Street South and South Yale Avenue, Requesting **Minor Amendment** to increase the permitted building height for an office building from two stories or 30 feet to, two stories or 34 feet, **RS-4/OL/CS**, (CD-8)

8. **PUD-696-B-1 – Roy Johnsen/9200 Delaware, LLC**, Location: South of the southwest corner of East 91st Street South and South Delaware Avenue, Requesting a **Minor Amendment** to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD, **OL/CS**, (CD-2)
9. **PUD-543-3 – Lou Reynolds**, Location: 10517 South Oxford Avenue, Requesting a **Minor Amendment** to raise permitted height for wall from 8' to 11'6", (CD-8) (Stricken for renoticing)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING:

10. **City Council Consensus 2011-12: To analyze and recommend to the City Council proposed ordinance amendments to the Zoning Code of the City of Tulsa to allow for oil and gas drilling inside the city limits of the City of Tulsa.**

PUBLIC HEARINGS:

11. **Z-6344-SP-10 – Jim Creager**, Location: South of southeast corner of East 61st Street and South 107th East Avenue, Requesting a **Corridor Plan** to allow the existing and vacant building to be marketed to a wider range of potential occupants, **CO**, (CD-7) (Related to Item 13.)
12. **Z-6344-SP-10** – Plat Waiver, Location: Lot 1, Block 1, Fred C. Langenkamp Addition, 10708 East 61st Street South (8406) (CD-7) (Related to Item 12.)
13. **Woodward Park** – Plat Waiver, Location: Southeast corner of Peoria and 21st Street South (CD-9)
14. **Whiteside Park** – Plat Waiver, Location: 4000 Block of East 41st Street South (CD-9)
15. **Z-7176 – TMAPC/Pearl District Demonstration Area**, General Location: 6th Street to 11th Street, Peoria to the east leg of the IDL, Requesting rezoning from **RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 TO Form Based Code (FBC)**, (CD-4)
16. **Z-7083-SP-2 – Bill LaFortune/Lamar**, Location: Northeast corner of Highway 75 and West 91st Street, Requesting **Corridor Plan** to add outdoor advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district, **CO**, (CD-2)

17. **PUD-648-C – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to abandon approximately .51 acres of property from the southeast corner of the PUD-648/Olympia Medical Park and add it to the property to the east, **CO/PUD/-648-B TO CS/PUD-648-C**, (CD-2) (Related to Items 19 & 20)
18. **Z-7177 – Roy D. Johnsen/QuikTrip**, Location: East of the northeast corner of Highway 75 and West 71st Street, Requesting rezoning from **CO/PUD to CS**, (CD-2) (Related to Items 18 & 20)
19. **PUD-783-A – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to add an approximately .51 acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west, **OL/CS/CO/PUD TO OL/CS/PUD-783-A**, (CD-2) (Related to Items 18 & 19)
20. **PUD-648-D – Andrew Shank/Big Time Billboards**, Location: Northeast corner and Northwest corner of West 71st Street and South Olympia Avenue, **Major Amendment**, (CD-2) (**Staff requests a continuance to 9/7/2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application**)

OTHER BUSINESS

21. Commissioners' Comments

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the

metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

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

MINUTES:

CONSENT AGENDA

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

3. **LS-20313**, (Lot-Split) (CD-6) Location: Northeast corner of East Admiral Place and North 183rd Avenue
4. **Partial Vacation of Plat and Amendment of Deed of Dedication and Restrictive Covenants** – 9100 Yale, Location: North of the northeast corner of South Yale Avenue and East 91st Street South
5. **Change of Access** – Lot 1, Block 1, Unique Metals, Location: South of 101st Street South, East of Arkansas River

STAFF RECOMMENDATION:

This application is made to allow a change of access to add an access along South Delaware Avenue. The property is zoned CG (commercial general).

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

6. **Correction of Scrivener's Error** – Lot 6, Block 14, Blocks 8-14, Shadow Mountain Estates
7. **PUD-780-1 – HRAOK, Inc./Freedom Square, LLC**, Location: North of the northwest corner of East 51st Street South and South 177th East Avenue, Requesting **Minor Amendment** to increase the permitted amount of a

required front yard a driveway may cover from 34 percent to 50 percent, **RS-3**, (CD-6)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted amount of a required front yard a driveway may cover from 34% to 50%. Citing market demand, the applicant's request is being made to allow homeowners the option of having a three-car wide driveway and a three-car garage.

There is no request to modify the livability space requirement of the PUD or the RS-3 District. Each lot will be required to meet the 4,000 square foot livability space requirement of the RS-3 District.

Section 1106 of the Zoning Code grants the Planning Commission the authority to adjust parking requirements in PUDs so long as, "a subdivision plat incorporating the provisions and requirements is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County Clerk of the county in which the property is located". Since the plat for this subdivision has not been finalized and if the Commission is inclined to approve the amendment request, the relaxation of the requirement of Section 1303-D of the Code can be added to covenants of the subdivision prior to finalization of the plat.

With the requests for three-car wide driveways, staff believes an important factor to consider is whether the required livability space requirement will be met on each lot, therefore limiting the potential for increased stormwater run-off. Since the livability space requirement will be met on each lot and the covenants of the plat would be amended to reflect the change, staff can support this request

Staff recommends **APPROVAL** of minor amendment PUD-780-1 allowing an increase of the permitted coverage of the required front yard by a driveway from 34% to 50%. The 4,000 square foot livability space requirement must still be met and covenants of the plat amended to reflect this requirement.

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

8. **PUD-516-C-1 – HRAOK, Inc./101st and Yale Properties, LLC**, Location: Southeast corner of 101st Street South and South Yale Avenue, Requesting **Minor Amendment** to increase the permitted building height for an office building from two stories or 30 feet to, two stories or 34 feet, **RS-4/OL/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted building height for an office building from two stories or 30 feet to two stories or 34 feet.

The applicant is making the request citing the architectural requirement of the PUD, which states that structures in the PUD shall, “have pitched roofs and an architectural style that will be compatible with the surrounding residential structures. Variations in roof lines, brick or stone facades, and buildings with offset rather than straight exterior walls are encouraged”.

To meet the architectural requirements of the PUD the applicant is proposing a high pitched, 8:12 roof on the entry portion of the building (see attached Exhibit A201). This necessitates the increase in building height. The applicant has discussed this issue with the most impacted property owner to the south (see attached email). The adjacent property owner has no objection to the four-foot increase, so long as efforts are made to maintain his family’s privacy. The developer and neighbor to the south have agreed that second floor windows on the south elevation should be limited to small, horizontally installed transom style windows. The windows would be placed near the ceiling line of the second floor south elevation, which would allow natural light to enter the space while maintaining privacy for the neighbors to the south.

Section 1107, H-9 allows the TMAPC to change structure heights provided the approved Development Plan, PUD standards, and the character of the development are not substantially altered.

Since the building is being designed to meet the architectural requirements of the PUD and the developer has agreed to limit the windows on the south-facing elevation of the structure, staff contends the approved Development Plan, PUD standards, and the character of the development will not be substantially altered.

Staff recommends **APPROVAL** of minor amendment PUD-516-C-1 increasing the building height from two stories or 30’ to two stories or 34’ for the structure on Lot, 1, Block 1 – 101 Yale Village Office Park. Windows on the south elevation shall be limited to small, horizontally-installed transom windows located near the ceiling line of the second story.

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

9. **PUD-696-B-1 – Roy Johnsen/9200 Delaware, LLC**, Location: South of the southwest corner of East 91st Street South and South Delaware Avenue, Requesting a **Minor Amendment** to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD, **OL/CS**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD.

Approved in April of 2011, PUD-696-B has a livability space requirement of 440 square feet (SF) per dwelling unit (DU). The Code states the requirement for livability space per dwelling unit for a multifamily development in a commercially zoned district is based on the RM-2 district requirement of 200 SF/DU. The applicant is proposing 240 SF/DU. Since the minimum requirement of 200SF/DU of livability space will continue to be met, staff does not see this reduction in open space as substantially altering the approved Development Plan, PUD Standards or the character of the development.

With a decrease in livability space it becomes necessary to adjust the 30% open space landscape requirement that was placed on the PUD. The Zoning Code does not require multifamily developments to landscape a percentage of the lot. The landscape requirement for multifamily developments is limited to street yard landscaping and parking area landscaping. The applicant is seeking a reduction in open space from 30% of the lot to 18% of the lot. Since placing an over-all landscape open space percentage on the lot was done voluntarily, staff can support this request.

The applicant is also seeking an increase in permitted non-residential floor area from 103,192 SF to 118,670 SF; an increase of 15,478 SF or 14.9%. The 118,670 SF would be allocated as follows: 74,024 SF dedicated to retail uses and 44,646 SF dedicated to office uses. The underlying zoning on the property would allow a total of 204,846 SF of non-residential floor area based on the existing square footage of OL and CS zoning (see attached zoning intensity analysis). Since the property's designation as a Town Center within the Comprehensive Plan calls for a more intensive, mixed use development staff views the request as keeping with the Plan.

Staff recommends **APPROVAL** of minor amendment PUD-696-B-1 allowing a livability space requirement for Development Area B of 240 SF, an over-all open space requirement of 18%, and an increase in permitted non-residential floor area in Development Area A to 118,670 SF by allocating 74,024 SF to retail uses and 44,646 SF to office uses.

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

TMAPC COMMENTS:

Mr. Leighty stated that Item 2, LS-20450 has a request to continue to August 17, 2011 and Item 10 will be stricken in order to allow for renoticing.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the consent agenda Items 3 through 9 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

2. **LS-20450**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34th Street South

STAFF RECOMMENDATION:

Staff is requesting a continuance for LS-20450 to August 17, 2011.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the lot-split for LS-20450 to August 17, 2011.

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10. **PUD-543-3 – Lou Reynolds**, Location: 10517 South Oxford Avenue, Requesting a **Minor Amendment** to raise permitted height for wall from 8' to 11'6", (CD-8) (Stricken for renoticing)

STAFF RECOMMENDATION:

Staff recommends that this item be stricken from the agenda. Staff will prepare and renotece for this item.

STRICKEN.

PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING:

11. **City Council Consensus 2011-12:** To analyze and recommend to the City Council proposed ordinance amendments to the Zoning Code of the City of Tulsa to allow for oil and gas drilling inside the city limits of the City of Tulsa.

STAFF RECOMMENDATION:

SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES

- A. Description.** Uses which in some instances may be suitable for location in any district, but because of their potential adverse influence on adjacent properties require site review and are therefore permitted in all districts, as a special exception requiring Board of Adjustment approval.

B. Included Uses:

Adult Detention Center
Airport, Heliport
Bed and Breakfast Inn
Bus Station
Cemetery (see Section 1202.C.9)
Children's Home
City/County Health Department
Construction Facilities (off site)
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Day Camp
Emergency and Protective Shelter
Governmental Services, NEC
Homeless Center
Hydroelectric Generation Plant
Jail
Juvenile Delinquency Center
Marina
Mausoleum
Nursing Home
Oil and Gas Drilling ****
Post Office
Power Plant
Prison
Private Club or Lodge*
Residential Treatment Center
Rifle and Skeet Range, Gun Club
Sanatorium
Sanitary Landfill

Sewage Disposal Facility
Transitional Living Center

Uses which utilize tents, canopies or open air activities** such as.***

Carnival
Christmas tree sales
Circus
Fruit and vegetable sales
Other sales of merchandise
Plant sales
Tent Revival

Water Treatment Plant

* Chief activity is a service not carried on as a business.

** Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

*** Tents for such uses for special events are allowed by right on properties zoned CBD and not in the right-of-way.

****Subject to City of Tulsa Title 42-A

STAFF RECOMMENDATION:

Mr. Alberty stated that this was advertised for today's public hearing. This was handled last year under Title 42-A to allow oil and gas drilling within the city limits of Tulsa. There was an omission that needed to be included in this operation and that was the amendment to Title 42, which controls the Board of Adjustment and allows for consideration of oil and gas drilling within the City. Mr. Alberty explained that up until this point drilling had been prohibited and with the adoption of Title 42-A it is now allowed to be considered under Use Unit 2.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Alberty if the Planning Commission has seen this proposal prior to its adoption and is the request to study it or hold a public hearing. Mr. Alberty stated that the decision has already been made and it was an oversight that it wasn't followed through in February when Title 42-A was adopted. There was a lack of communication regarding amending Title 42 and now it has been discovered that it needs to be done and that is what is before the Planning Commission today. The mechanism that would put this into place is an amendment to Title 42 to allow consideration of any application before the Board of Adjustment under Use Unit 2. Ms. Cantrell asked if Title 42-A came before the Planning Commission. In response, Mr. Alberty stated that Title 42-A didn't come before the Planning Commission.

Mr. Boulden stated that this is the last step to allow oil and gas drilling within the City of Tulsa. This will remove one of the prohibitions in the ordinance to oil and gas drilling in Tulsa and make it possible to be approved by the Board of Adjustment. Mr. Boulden stated that this is an amendment he would recommend.

Mr. Carnes moved to approve the proposed amendment, seconded by Mr. Walker.

Ms. Cantrell stated that she understands that this is a done deal and whatever is done today the City Council will go forward with this. Ms. Cantrell indicated that she can't support this proposal. From a planning perspective, allowing city-wide uses for drilling is a bad idea. There is too much potential for danger. In 1910 they decided to quit drilling within the city limits and she doesn't see what has changed that would justify allowing drilling inside the city limits. Ms. Cantrell commented that this is a bad idea. She recognizes that the City Council has every right to do this, but she can't support this proposal.

Mr. Leighty stated that he can't support this proposal. He doesn't see how anyone can think that this is a good idea. The prohibition has been on the books for decades and there is a reason for it. To change it now to try and put a band-aid on budgetary crisis that the City has been through and he doesn't think it is the right answer.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-4-0** (Carnes, Dix, Liotta, Midget, Stirling, Walker "aye"; Cantrell, Leighty, Perkins, Shivel "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment to Section 1202 to add Oil and Gas Drilling to the included uses for Area-Wide Special Exception Uses per staff recommendation.

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PUBLIC HEARING

12. **Z-6344-SP-10 – Jim Creager**, Location: South of southeast corner of East 61st Street and South 107th East Avenue, Requesting a **Corridor Plan** to allow the existing and vacant building to be marketed to a wider range of potential occupants, **CO**, (CD-7) (Related to Item 13.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 17671 dated February 27, 1992, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-20118 September 2005: The Board of Adjustment approved a Special Exception to allow a public park on a 48± acre tract that is a detention pond, subject to Public Works and/or Parks Department submitting a site plan addressing parking facilities and/or fencing according to the wishes of the neighborhood; per amended legal description and located northwest of the northwest corner of East 61st Street and South Garnett Road and abutting east of the subject property.

Z-5956-SP-2 June 1993: Staff recommended denial of a proposed Corridor Site Plan on a 9.5± acre tract of land for a convenience store at the northwest corner and a restaurant at the northeast corner with the remainder undeveloped. The TMAPC and City Council concurred in approval of the application; on property located east of the southeast corner of South 107th East Avenue and East 61st Street South and abutting northeast of subject property.

Z-6344-SP-1 April 1992: Staff recommended denial of a proposed Corridor Site Plan on a 2.09± acre tract of land for a retail/wholesale sprinkler system business that includes a two-story, 2,625 square foot building. The TMAPC and City Council concurred in approval of the application; on property located on the southeast corner of East 61st Street South and Highway 169 South, and is the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.95± acres in size and is located south of southeast corner of East 61st Street and South 107th East Avenue. The property is developed and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by QuikTrip No. 83, zoned CO and vacant/unplatted property used for stormwater detention facilities; on the north by 107th Avenue East, an approximate 80 foot wide right-of-way for 61st Street South and then 61st Street South. Across 61st Street is Golden Valley, zoned IL and being used commercially; on the south by Fred C. Langenkamp Addition, zoned CO and used as offices/commercial; and on the west by Southport, zoned CO and being used as multifamily residential. Beyond the apartments is Highway 169.

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

TRANSPORTATION VISION:

The Comprehensive Plan classifies East 61st Street South as a Multimodal Corridor and does not classify South 107th Avenue East. Nearby Garnett Road is also classified as a Multimodal Corridor.

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

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

STREETS:

The Tulsa City-County Major Street and Highway Plan Designates East 61st Street South as a Secondary Arterial and South 107th Avenue East as a Commercial/Industrial Street.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 61 st Street South	Secondary Arterial	100'	4 (with large median)
South 107 th Avenue East	Commercial/Industrial Street	55'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an Area of Growth with a Land Use Plan category of Employment.

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

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

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

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

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

This development was approved in 1992 prior to the adoption of the updated Tulsa Comprehensive Plan. There is no zoning change proposed with this application. Staff contends the additional uses being requested **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of Corridor District Plan Z-6344-SP-10 is to allow the existing and vacant building to be marketed to a wider range of potential occupants. The property is relatively flat and is developed with a commercial building.

Approved in 1992, the original Corridor District Plan for this property strictly limited the use of the property to a “retail/wholesale sprinkler system business” only. That business has since vacated the premises leaving the owner of the property with few alternatives for marketing the building to potential tenants.

The applicant is seeking to add those uses permitted as a matter of right in Use Unit 11 (Offices); Use Unit 12 (Restaurants – excluding Use Unit 12a – Adult Entertainment); Use Unit 13 (convenience Goods); Use Unit 14 – (Retail); Enclosed Commercial Recreation Establishments NEC and Health Club/Spa only within Use Unit 19; Wholesale Distributors and Wholesale Establishments NEC only within Use Unit 23 and customary accessory uses to principal permitted uses. There are no other changes being sought to the originally approved development plan.

Staff believes improvements will be made to the property which will make the building much more user friendly and aesthetically pleasing, more compatible with the surrounding area and provide much safer pedestrian access.

Staff finds the additional uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds Z-6344-SP-10 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-6344-SP-10 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: 3.67 gross acres/1.95 net acres

PERMITTED USES:

Those uses permitted as a matter of right within Use Unit 11; Use Unit 12 (Excluding Use Unit 12a); Use Unit 13; Use Unit 14; Enclosed Commercial Recreation Establishments NEC and Gymnasium, Health Club/Spa only within Use Unit 19; Wholesale Distributors and Wholesale Establishments NEC only within use unit 23 and customary accessory uses.

MAXIMUM BUILDING FLOOR AREA: 25,500 SF

MAXIMUM LOT COVERAGE BY BUILDINGS: 30%

SETBACKS:

From the north property line:	50'
From the west property line:	50'
From the south and east property lines:	To be determined by detail site plan review.

MAXIMUM BUILDING HEIGHT: 35'

OFF-STREET PARKING:

Per the applicable Use Unit within the Tulsa Zoning Code.

LANDSCAPING:

Per Chapter 10 of the Tulsa Zoning Code.

ACCESS:

Vehicular access will remain the same. Sidewalks will be constructed along the entirety of South 107th East Avenue and will connect to the

sidewalk on the south side of 107th Avenue East leading to the QuikTrip store to the east. Distinct pedestrian access will be provided from the 107th sidewalk through parking lots to

LIGHTING:

All exterior lighting, including building mounted shall comply with Chapter 13 requirements of the Tulsa Zoning Code. Verification of compliance shall be through the submittal of a photometric plan and manufacturers cut sheets for light fixtures being installed.

SIGNS:

The current sign for "The Greens at Bedford" apartments owned by Case & Associates was permitted under Z-6344-SP8 and is on a month-to month ground lease. Any new signs shall be per Section 802, B-3 of the Tulsa Zoning Code.

TRASH AREAS:

All trash areas shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

3. No zoning clearance permit shall be issued until a detail site plan for the lot, includes all buildings, parking, lighting and landscaping areas has been submitted to the TMAPC and approved as being in compliance with the approved CO District Plan development standards.
4. A detail landscape plan for each development area and/or lot shall be approved by TMAPC prior to the 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 development until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved CO District Site Plan development standards.
6. 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 the lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. No building permit shall be issued until the requirements of Section 805-E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within restrictive covenants the CO District Plan conditions of approval and making the City beneficiary to said covenants that relate to CO District Plan terms and conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Approval of the CO District Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
10. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle.

TAC COMMENTS:

General: No comments.

Water: Existing 8" line located on the west side of 107th E Ave, developer will need to bore street for future service connection.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** No comments.
- **LRTP:** E. 61st Street S., between S. Mingo Rd and S. Garnett Road, existing 4 lanes. US-169, on 61st St. S., planned 8 lanes. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates existing routes on E. 61st Street S., between S. Mingo Rd and S. Garnett Road. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: House Number(s) listed on property: 10708 E 061 ST S
Addressing Atlas Page #(s): 00757

Inspection Services: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Leighty asked if page 12.14 of the agenda packet contains a sketch of what is being proposed. Mr. Sansone stated that it is conceptual by nature and the applicant is not sure at this time the amount of add-on he will have to do to the building. The applicant is currently looking for tenants. The applicant does plan on improving the subject property and it may or may not look identical to the sketch that is conceptual at this time. The applicant will have to come back for a detail site plan review and the Planning Commission will get to look at it again.

Applicant's Comments:

Jim Creager, 5533 East 89th Court, stated that at this time his sketch of the proposal is conceptual. He would like to keep it very similar to the sketch, but not exact. It would all depend on the type of tenants he acquires. Mr. Creager indicated that he has had a lot of inquiries due to the location. He stated that he has a potential tenant who would like to have the entire building as office use. Mr. Creager indicated that he originally wanted to have destination retailers, but he is looking at all possibilities.

TMAPC COMMENTS:

Mr. Dix asked Mr. Creager if he is in agreement with staff's recommendation. In response, Mr. Creager stated that he is in agreement.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the corridor plan for Z-6344-SP-10 per staff recommendation.

Legal Description for Z-6344-SP-10:

Lot 1, Block 1, Fred C. Langenkamp Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

13. **Z-6344-SP-10** – Plat Waiver, Location: Lot 1, Block 1, Fred C. Langenkamp Addition, 10708 East 61st Street South (8406) (CD-7) (Related to Item 12.)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a request for expanded uses in a Corridor site plan.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: Property was previously platted for the Corridor.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the previously platted property for a waiver.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

- | | |
|---|---|
| 10. Is this a Major Amendment to a P.U.D.? | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. Are mutual access easements needed to assure adequate access to the site? | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Z-6344-SP-10 per staff recommendation.

* * * * *

14. **Woodward Park** – Plat Waiver, Location: Southeast corner of Peoria and 21st Street South (CD-9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a building permit requirement.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: This is an existing park area.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

Fire hydrants and other fire department requirements may be required based on location of new building.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the waiver for the park.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- | | | |
|-----|---|---|
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Woodward Park per staff recommendation.

* * * * *

15. **Whiteside Park** – Plat Waiver, Location: 4000 Block of East 41st Street South (CD-9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a building permit requirement.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: This is an existing park area.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.***A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:***

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

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

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Whiteside Park per staff recommendation.

* * * * *

16. **Z-7176 – TMAPC/Pearl District Demonstration Area**, General Location: 6th Street to 11th Street, Peoria to the east leg of the IDL, Requesting rezoning from **RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 TO Form Based Code (FBC)**, (CD-4)

TMAPC COMMENTS:

Mr. Leighty stated that this is the final action required to implement the pilot project for the Pearl District Form-Based Code. The TMAPC has previously, by unanimous vote, recommended that the City Council approve the Form-Based Code and the accompanying Regulatory Plan, which has been done. If this application is approved today, all existing zoning districts in the pilot area will be replaced by the new zoning district.

Mr. Leighty stated that at this time he will disclose, in addition to considerable discussion with members of the INCOG staff and the City of Tulsa Planning Department, he has had ex parte communications on this matter before the Commission with Mr. Jamie Jamieson, Chairman of the Urban Design Committee of the Pearl District Association and key participant in the evolution of this entire process. Mr. Leighty further stated that Jamie is a good personal friend whom he

sees often and he can state that within his communications and discussions, relating to this zoning matter, Jamie has never attempted to lobby him or influence him in his job as a Planning Commissioner. Jamie does and has updated him on the processes and events of which has brought us to this point. In no way has my communications or discussions with Jamie led him to any conclusions, or restricted or influenced his objectivity or open mindedness in this matter. As with this and other cases before the Planning Commission, he reserves his final decision and final judgment until the public hearing has been concluded and all parties have had an opportunity to speak, so he therefore will not be recusing himself or abstaining from voting on this matter. As we move forward with the proposed expansion of the regulating plan to a larger Pearl District he would like everyone to know that he is available to meet with or listen to any stakeholders or interested parties as part of his fact finding mission to fully understand the relevant issues.

Ms. Cantrell stated that she has spoken with Jamie Jamieson in the past and she doesn't believe she has done that in many months. She indicated that she has also spoken with Theron Warlick on occasion, but she doesn't know if she would say that Theron is necessarily a party of interest. Like many of us here, we have all had people discuss Form-Based Codes at one time or another. Ms. Cantrell indicated that she would not be recusing herself.

Mr. Midget stated that he has spoken with a host of individuals, but he can't remember all of their names; if one comes up to speak he will acknowledge him/her. Everyone has talked to folks about this and this has been a process. Mr. Midget indicated that he has talked with Jamie Jamieson as well.

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The area is a largely residential area, with mixed uses nearby.

SURROUNDING AREA: There are a variety of uses nearby, including institutional, industrial, recreational and commercial. It is envisioned that the overall Pearl District will become a very mixed use (re)development.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Peoria as a Frequent Bus route. Designs for new development in the area include provisions for motor vehicle, bicycle and pedestrian travel. The Peoria bus route is currently one of the most heavily traveled routes in the Tulsa Transit system, carrying commuters to work, medical services, access to various retail services and other destinations.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria	Urban Arterial	70'	4
East 6 th Street	N/A	N/A	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This area is incorporated into the Form Based Code Plan, recently adopted by the City Council. It is envisioned as a residential/commercial/institutional/mixed use development with a variety of transportation options available and encouraging development on the frontage, with parking to the rear of buildings.

STAFF RECOMMENDATION FOR ZONING:

This is the final action required to implement the pilot project for the Pearl District Form Based Code. All the existing zoning districts will be replaced by the new zoning district FBC (Form Based Code). Based on the Comprehensive Plan and the adopted Regulatory Plan for this area of the Pearl District the staff recommends **APPROVAL** of FBC (Form Based Code) for Z-7176.

Mr. Alberty stated that this is the last step to implement the Form-Based Code. Mr. Alberty further stated that Mr. Jamieson and his design team from the Pearl District really need to be complimented for sticking with this process.

Mr. Alberty stated that all of this started with the 6th Street Corridor Plan, which was basically the Pearl District that is bordered by 11th Street on the south, I-244 on the north and the Inner Dispersal Loop (IDL) and Utica. It was determined years ago that the best method would be to proceed with a pilot project and that was done. A consultant was hired and the Form-Based Code was adopted in November 2010, which was step one. Step two was adopting the regulating plan for the area being affected. Step three was to amend the Zoning Code, Title 42, to add Form-Based Code (FBC) and that has been accomplished. This is the final step, which will implement the Code and the regulating plan, will be to rezone it FBC. All of the existing zoning categories will be removed and everything in this district that needs to be redeveloped or additions added to must comply with Title 42-B, which is the Form-Based Code. Generally speaking, this would be 5th Place on the north, 11th Street on the south, the east leg of the IDL on the west and Peoria. Please note that it is also the intersections of 6th and Peoria have been included, as has the northeast corner of 11th and Peoria.

TMAPC COMMENTS:

Mr. Boulden stated that he has had some discussions with staff regarding PUD-629. He thinks implicit in this is that when one talks about removing all of the underlying zonings; it includes abandonment of PUD-629. Mr. Alberty stated that typically there is a process for abandonment and if this meets Legal muster, he is certainly okay with that. Mr. Boulden stated that it really depends on notice, but

he thinks removal and abandonment are synonymous and people know exactly what is expected here if that is the intent and it could be part of the ordinance. Mr. Alberty stated that he believes that the owner of the subject property clearly understands that the PUD is removed with this action.

Ms. Cantrell asked if the covenants associated with PUD-629 would be removed as well or would they still exist. Mr. Boulden stated that removal of PUD-629 would remove the ability of the City of Tulsa to, through criminal prosecution or other matters, to enforce the requirements of PUD-629, but then the covenants may privately be enforced. This may be something, as far as cleaning up title; the owner of the subject property might want to have the PUD covenants removed. Ms. Cantrell asked if the City is made beneficiary of the covenants. Mr. Boulden stated that he doesn't know the specifics of the covenants for PUD-629, but typically the City is made beneficiary. Vacation of a plat is what he would expect to happen here or District Court action or by an instrument filed by 60 percent of the owners. In this process they would ask the covenants be removed and the City of Tulsa would have to consent to that. It would be typically implemented by private action, but there would be some participation by the City of Tulsa. Ms. Cantrell stated that the one thing that gives her pause is that people might purchase property thinking that there are covenants that are still good and there would be nothing for them to see that they are no longer applicable. Mr. Boulden stated that the covenants will remain in place until removed as required by law and they would get notice of that. Mr. Alberty agreed with Mr. Boulden's statement. Mr. Alberty stated that the only before the Planning Commission today is the zoning. A subdivision plat is a totally different issue and will have to be dealt with privately.

INTERESTED PARTIES COMMENTS:

Charles Zeimet, 7407 East Folsom Road, Claremore, OK 74019, expressed concerns for the American Legion building and the cemetery. He asked if the plans were to make 8th Street to 11th Street a park area.

Mr. Boulden stated that there are no plans to change things right now. What currently exists will be allowed to exist until someone wants to redevelop and at that time they would have to conform to the regulatory plan. The term is "existing non-conforming uses" or "lawfully non-conforming uses". The existing uses will continue until someone wants to change them and to his knowledge there are no plans to change the open area where the cemetery is currently located. Mr. Boulden explained that if someone wanted to develop in the subject area they would be regulated by the Form-Based Code and not the Zoning Code directly and they would have to look to the FBC, which provides restrictions on how they would develop the land.

Mr. Zeimet stated that it would seem to be going backwards if the City turned the subject area into a park since they are unable to keep the existing parks and

swimming pools opened. Mr. Boulden stated that the open areas are intended to remain as open areas and there are no plans to expand it to his knowledge.

Ms. Cantrell stated that currently the cemetery is designated as “civic space”, which could mean just cemetery. She has never heard anyone say that there are any plans to change it.

Mr. Alberty stated that the regulatory plan calls for a residential frontage, which means that the Legion building could continue as it exists. If it were to be redeveloped, it would have to be in a residential category.

In response to the audience, Mr. Alberty stated that there are no plans to tear down the American Legion building. A lady from the audience stated that the word on the street is that the American Legion building is going to be torn down.

INTERESTED PARTIES COMMENTS:

Doug Dodd, 3215 East 57th Street, 74105, stated that he is representing the American Legion, Carson-Wilson-Rigney-Forrester Post 1, located at 1120 East 8th Street. He explained that he is a member of the Post and Judge Advocate for the Post. Mr. Dodd stated that he has been involved to the extent of being invited to a couple of hearings over the past number of months about the change to Form-Based zoning. He has had conversations with some of the City development personnel and have continually asked and been reassured that the building would be grandfathered in. Mr. Dodd stated that he is concerned that nothing happen as a result of the Form-Based change that would cause or require the American Legion Post 1 to change its structure or its look. Mr. Dodd stated that he wants to be trustful of the representations that have been made, but he also wants to appeal to the Commission that the Post has served veterans of several wars for over 90 years. The American Legion doesn't intend to leave and he doesn't intend to run south. The current location is where it started and plans to stay. The American Legion wants to be a good neighbor and is in favor of positive redevelopment and improvement in the Pearl District area. He urged the Planning Commission to remember the history of both the cemetery and the American Legion when any applications come before them in the Pearl District.

Mr. Alberty read page 9 of the Code, Section 204-C – Applicability of Code Requirements. He commented that the Legion should feel comfortable with what they have now is not going to be affected by this change.

Jamie Jamieson, 756 South Norfolk Avenue, 74120, Chair of the Design Committee for the Pearl District Association, stated this process started back in 2001. Mr. Jamieson stated that he is a resident and developer of Central Park. Mr. Jamieson stated that he is the largest stakeholder in the neighborhood. He indicated that he is in strong support of the Form-Based Code.

Mr. Jamieson stated that the City funded this process through the Central Park TIF District. He explained that there are plans to roll this out to the rest of the Pearl District. Mr. Jamieson listed several other neighborhoods that are interested in the Form-Based Codes.

Mr. Jamieson stated that he is the one who took on PUD-629 for the development of Central Park. He stated for the record that he really didn't want to do a PUD and he would have much rather had a Form-Based Code at that time. Most of what is in the PUD is encapsulated in spirit and character in the approach of the Form-Based Code in terms of compact walkability and so on. He realizes that PUD-629 will be abandoned. Covenants and conditions don't have too much to do with the City of Tulsa, but more like what shall and shall not do among the owners.

Mr. Jamieson stated that he has always felt that the American Legion was a very good neighbor and enjoy the activities that they have there.

Mr. Boulden congratulated Mr. Jamieson for his patience and tenacity.

TMAPC COMMENTS:

Michelle encouraged Mr. Jamieson to meet with the American Legion and talk about the issues. Once rumors start, it is really hard to stop them.

Mr. Leighty stated that he is in support of this application and feels that the Form-Based Code will make it easier for people to develop within the neighborhood. This is a good enough Code that it could be expanded to other neighborhoods and it has been proposed to be expanded into the regulatory plan and the entire Pearl District. Mr. Leighty commended everyone involved with the process.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the Form-Based Code designation for Z-7176 per staff recommendation, including abandonment of PUD-629.

Legal Description for Z-7176:

Beginning at the intersection of the centerlines of East 5th Place South and South Peoria Avenue; Thence South along the centerline of South Peoria Avenue to the centerline of East 11th Street South; Thence West along the centerline of East 11th Street South to the East Right-of-Way line of Highway 75; Thence North along said Right-of-Way line to a point aligned with the centerline of the alleyway of Block 11, Central Park Place Addition; Thence East along the centerline of said alleyway to the centerline of South Norfolk Avenue; Thence North along the centerline of South Norfolk Avenue to the centerline of East 5th Place South; Thence East along the centerline of East 5th Place South to the Point of

Beginning; Section 1, T-19-N, R-12-E; City of Tulsa, Tulsa County, Oklahoma; AND an area described as follows: Beginning at the intersection of the centerlines of East 5th Place South and South Peoria Avenue; Thence South along the centerline of South Peoria Avenue 506 FT; Thence East 168 FT; Thence South 150 FT; Thence West 168 FT; Thence North to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma; AND an area near the intersection of East 11th Street South and South Peoria Avenue more particularly described as follows: Beginning at the intersection of the centerlines of East 11th Street South and South Peoria Avenue; Thence North 130 FT; Thence East 168 FT; Thence South 130 FT; Thence West to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma.

* * * * *

21. PUD-648-D – Andrew Shank/Big Time Billboards, Location: Northeast corner and Northwest corner of West 71st Street and South Olympia Avenue, **Major Amendment, (CD-2) (Staff requests a continuance to 9/7/2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application)**

STAFF RECOMMENDATION:

Staff requests a continuance to September 7, 2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application.

There were no interested parties wishing to speak.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** PUD-648-D to September 7, 2011.

* * * * *

17. Z-7083-SP-2 – Bill LaFortune/Lamar, Location: Northeast corner of Highway 75 and West 91st Street, Requesting **Corridor Plan** to add outdoor advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district, **CO**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21731 dated February 11, 2008, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-21293 July 12, 2011: The Board **accepted** a *Verification* of the spacing between outdoor advertising signs; and a *Verification* of the spacing requirement for a digital outdoor advertising sign of 1,200 FT from any other digital outdoor advertising sign facing the same traveled way; based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; located north of the northeast corner of East 91st Street South and Highway 75.

Subject Property:

BOA-20822 December 9, 2008: The Board **accepted** a *Verification of Spacing* between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, based upon the facts in this matter as they presently exist; located on the subject property.

BOA-20821 December 9, 2008: The Board **accepted** a *Verification of Spacing* between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, based upon the facts in this matter as they presently exist; located on the subject property.

Z-7083/ Z-7083-SP-1 February 2008: All concurred in approval of a request for rezoning a 12± acre tract of land from AG to CO and a Corridor Site Plan for mixed commercial use on property located northeast corner of Highway 75 and West 91st Street and the subject property.

Surrounding Property:

BOA-20485 May 22, 2007: The Board **approved** a *Verification of the spacing requirements* for an outdoor advertising sign of 1,200 FT from another outdoor advertising sign on the south; and **denied** a *Verification of spacing requirements* for an outdoor advertising sign to the north, involving tribal lands; and **approved** a *Variance* of the spacing requirement from an outdoor advertising sign on the north, which is less than 1,200 FT from the sign on tribal lands; finding the billboard to the north is located on tribal lands, which circumstance is not specifically defined in the zoning code; located at 9001 S. Union Av.

PUD-694-B/Z-6916-SP-3 January 2007: All concurred in approval of a proposed Major Amendment to Planned Unit Development on a 8.3± acre tract of land to reallocate and approve Use Unit 21 from Development Area A (Lot 1) to Development Area B (Lot 2) in order to meet the 1,200 feet spacing requirement for an outdoor advertising sign, on property located north of northwest corner of West 91st Street and Highway 75 South.

PUD-694-A/Z-6916-SP-2 September 2005: A request for a major amendment to PUD on a 4.61± acre tract to allow a Use Unit 16 to permit a mini storage was approved on property located north of northwest corner of West 91st Street and Highway 75 South.

Z-6916/PUD-694 December 2003: Approval was granted for rezoning request and a PUD on property located north of northwest corner of West 91st Street and Highway 75 South. CS zoning was approved the south 467' of the subject property and CO zoning was approved on the balance. PUD-694 was also approved subject to Use Unit 15 be removed as an allowable use.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 12± acres in size and is located at the northeast corner of US Highway 75 and West 91st Street South. The property is vacant and zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by vacant/unplatted land, zoned AG (site of Jenks West Public School under construction); on the north by vacant/unplatted land, zoned AG; on the south by West 91st Street and then unplatted property, zoned AG and being used residentially; and on the west by Interstate 75, zoned AG.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate this section of West 91st Street.

STREETS: The Tulsa City-County major Street and Highway Plan designates West 91st Street as a Secondary Arterial Street.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 91 st Street	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates this property as an Area of Growth and a New Neighborhood.

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

displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Approved in 2008, prior to the adoption of the Comprehensive Plan update, Tulsa Hills South was approved as a mixed use commercial, retail, and office development. The addition of Outdoor Advertising as permitted within Use Unit 21 – Business and Outdoor Advertising signs with no zoning change request **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of Corridor District Plan Z-7083-SP-2 is to add Outdoor Advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district. The property lies within a Freeway Sign Corridor as required for the placement of outdoor advertising signs. Spacing verification was accepted by the City of Tulsa Board of Adjustment (BOA) on 7/12/2011 and was accepted for either a traditional billboard or a digital billboard.

Corridor District Z-7083-SP-1 is a 12 ½ acre (+/-) tract located at the northeast corner of US Highway 75 and West 91st Street South. The tract is currently vacant and slopes gradually from south to north. The property is zoned CO and is bordered on the west side by US Highway 75. Approved in 2008, the approved Development Plan calls for a multi-pad mixed use development allowing a wide range of commercial, retail and office uses.

Staff finds the addition of this use to be in harmony with the spirit and intent of the Code and in keeping with the originally approved Corridor District Development Plan. Staff finds Corridor District Plan Z-7083-SP-2 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 CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7083-SP-2 subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. All development standards and requirements of Z-7083-SP-1 shall remain effective with the addition of the following:

PERMITTED USES:

Add to the permitted uses of Corridor District Site Plan Z-7083-SP-1, Outdoor Advertising as permitted By Use Unit 21 – Signs and Outdoor Advertising.

Subject to the terms and conditions of Chapter 11 and Section 1221 of the Tulsa Zoning Code as applicable to Outdoor Advertising signs.

SETBACKS for O/A Signs:

17.5 feet from I-75 ROW*

** Per TAC Recommendation*

3. No sign permits shall be issued for erection of a sign on any 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.
4. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: The proposed structural signage cannot be placed over utilities, in Easements, or in Stormwater Overland Drainage ways.

Wastewater: Proposed signs should be located so they will not encroach into required perimeter easements, should the property become platted.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** 91st St. S., between S. Elwood Avenue and S. Union Ave is a secondary arterial.
- **LRTP:** US-75, between 81st St. S. and 91st St. S., planned 6 lanes. 91st St. S., between S. Elwood Avenue and S. Union Ave, existing 2 lanes.

- **TMP:** No Comment
- **Transit:** No current or future plans for this location.

Traffic: No comments.

Airport Authority: FAA study will be required prior to the approval of sign plans. Contact Ken White of the Airport Authority (838-5107).

GIS: No comments.

Street Addressing: House Number(s) listed on property: 8915, 9075 S OLYMPIA AV W Addressing Atlas Page #('s): 01747,01918

Inspection Services: No comments.

County Engineer: No comments.

Applicant's Comments:

William LaFortune, 2100 South Utica Avenue, Suite 210, 74114, stated that he is representing Lamar Outdoor Advertising Company and to a certain extent, Jenks Public Schools. Mr. LaFortune stated that he is in agreement with the staff recommendation and the conditions imposed. Mr. LaFortune submitted a letter from the Jenks Public Schools (Exhibit A-1) indicating their support of this application. Jenks Public Schools actually approached Lamar to locate on the subject property owned by them.

TMAPC COMMENTS:

Mr. Walker asked what the projected income for the school district will be for the subject sign. In response, Mr. Roger Wright, Executive Administrator, Jenks Public Schools, 205 East B Street, Jenks, 74037, stated that he solicited this agreement and Lamar agreed to split the gross income fifty percent and make the school district a true partner. Lamar is paying for the expense of construction, insurance and utilities. At 80 percent occupancy, both billboards would generate \$38,000.00 per year and it is a 20-year contract. In a single year it has the possibility of funding a half-time or full-time teacher. Currently, every single elementary classroom in the Jenks Public School District exceeds the State mandated class size.

Mr. Dix asked if the district places any restrictions in their contract with Lamar as to what could or couldn't be advertised. Mr. Wright stated that there are very specific restrictions.

Mr. LaFortune stated that this application is consistent with the Code and Comprehensive Plan.

Ms. Cantrell wanted to clarify that the sign is not digital and if it were to become digital, it would require it to be before the Planning Commission again.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the corridor plan for Z-7083-SP-2 per staff recommendation.

Legal Description for Z-7083-SP-2:

Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Lynne East of Highway 75, Less South 24.75' thereof for road, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

18. **PUD-648-C – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to abandon approximately .51 acres of property from the southeast corner of the PUD-648/Olympia Medical Park and add it to the property to the east, **CO/PUD/-648-B TO CS/PUD-648-C**, (CD-2) (Related to Items 19 & 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 55-± acres in size and is located at the northeast corner of Highway 75 and West 71st Street South. The property is partially developed and is zoned CO/PUD-648-B.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned CS/OL/PUD-783 and will be developed as a QuikTrip Store (the property is currently being platted), by unplatted land zoned AG and RS-3, and by Cates Addition, zoned RS-3; it is bordered on the north by unplatted land, zoned AG; on the south by West 71st Street and then Tulsa Hills, zoned CO; and on the west by US Highway 75, zoned AG.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates West 71st Street as a commuter corridor. Commuter corridors are described by the Plan as streets which are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

STREETS:

The Tulsa City-County Major Street and Highway Plan identifies West 71st Street as a primary arterial and South Olympia Avenue as a commercial collector.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary Arterial	150'	8
South Olympia Avenue	Commercial Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this subject area as a Town Center and the area adjacent to the east as a Mixed Use Corridor. Town Centers are medium-scale, one- to five-story mixed use areas intended to serve a larger area of neighborhoods, (page LU-32). The area is also designated as an Area of Growth. As the Comprehensive Plan states, Areas of Growth are to direct the allocation of resources and channel growth to locations where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.

Based on the Comprehensive Plan and development trends in the area, staff can recommend **APPROVAL** of CS zoning for Z-7177.

STAFF RECOMMENDATION:

The purpose of this major amendment is to abandon approximately .51 acres of property from the southeast corner of PUD-648/Olympia Medical Park and add it to the property to the east. The property to the east is the recently approved PUD-783 and future site for a QuikTrip Store. The land exchange will allow for direct access between the QuikTrip site and the Olympia Medical Park (see Exhibit A). Accompanying this application is rezone application Z-7177 which will rezone the .51 acre strip from CO to CS to remain consistent with the underlying zoning of PUD-783.

Established in 2001, PUD-648/Olympia Medical Park is a 55-acre (+/-) tract located at the northeast corner of US Highway 75 and West 71st Street South. The property is quite rugged with a significant west to east slope and is partially developed with a hotel and medical office uses. The PUD also allows a variety of other commercial and office uses.

Staff finds the proposal to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-C 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-648-C subject to the following conditions:

1. The land area and permitted floor area for Development Area E/Lot 1 and Tract D of Development Area A (per the attached Exhibit A) be amended with a minor amendment to PUD-648-B/Z-6001-SP-3 to accurately reflect the land area and permitted floor area of each lot as a result of the abandonment of this portion of PUD-648-B and Corridor District Site Plan Z-6001-SP-3.
2. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: The Extension Tract contains numerous Public and Private Utilities and Easements. Placement of fill material over underground utilities is greatly discouraged. Placement of Signs and Structures in

Existing Easements is prohibited unless a license agreement with the City of Tulsa can be obtained. The Tract also includes a portion of Platted Reserve D which was dedicated to the Public for the purpose of permitting the flow, conveyance and discharge of stormwater runoff from and through the existing platted area and for the detention of stormwater. The portion of Reserve D that will become the northern drive must be vacated.

Wastewater: No comments.

Transportation: No comments

INCOG Transportation:

- **MSHP:** 71st Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.
- **LRTP:** US-75, between 61st St. S. and 71st St. S., planned 6 lanes. 71st St. S., between Peoria Ave. and US-75, planned 6 lanes.
- **TMP:** No comment
- **Transit:** Currently, Tulsa Transit operates existing routes on 71st St. S. all the way to Union Ave. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

Airport Authority: No Comments.

GIS: No comments

Street Addressing: House Number(s) listed on property: 6502, 6890, 7090 S OLYMPIA AV W, Addressing Atlas Page #('s): 00889, 01012

Inspection Services: No comments.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the major amendment for PUD-648-C per staff recommendation.

Legal Description for PUD-648-C:

The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #5567 thereof.

* * * * *

19. **Z-7177 – Roy D. Johnsen/QuikTrip**, Location: East of the northeast corner of Highway 75 and West 71st Street, Requesting rezoning from **CO/PUD to CS**, (CD-2) (Related to Items 18 & 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56-acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .51± acres in size and is located east of the northeast corner of Highway 75 and West 71st Street. The property appears to be vacant and is zoned CO/PUD-648-B.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land (proposed to be the other part of the convenience store), zoned PUD-783/CS; on the north by the Olympia Medical Center, zoned PUD-648/CO; on the south by West 71st Street, zoned AG; and on the west by a stormwater detention facility as part of the Olympia development and vacant land-, zoned PUD/CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East 71st Street as a Commuter Corridor. According to the Comprehensive Plan (chapter TR-16), these are envisioned to be arterials serving commercial uses that are heavily auto-oriented. On-street parking is infrequent. They are designed with multiple lanes are divided by a

landscaped median or a continuous two-way left-turn lane. They are designed to balance traffic mobility with access to adjacent businesses. The plan recommends that any congestion control come in the form of access management, traffic signal timing and intersection lane capacity improvements.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary arterial	120'	8 with turning lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this subject area as a Town Center and the area adjacent to the east as a Mixed Use Corridor. Town Centers are medium-scale, one- to five-story mixed use areas intended to serve a larger area of neighborhoods, (page LU-32). The area is also designated as an area of growth. As the Comprehensive Plan states, areas of growth are to direct the allocation of resources and channel growth to locations where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan and development trends in the area, staff can recommend **APPROVAL** of CS zoning for Z-7177.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the CS zoning for Z-7177 per staff recommendation.

Legal Description for Z-7177:

The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #5567 thereof.

* * * * *

20. **PUD-783-A – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to add an approximately .51 acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west, **OL/CS/CO/PUD TO OL/CS/PUD-783-A**, (CD-2) (Related to Items 18 & 19)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22413 dated April 29, 1011, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .51± acres in size and is located east of northeast corner of Highway 75 and West 71st Street. The property appears to be vacant and is zoned OL/CS/CO/PUD.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by 71st Street South and then the Tulsa Hills Regional Shopping Center, zoned CO; and on the west by the Olympia Medical Park, a mixed medical park/hotel and related use development, zoned CO/PUD-648/PUD-648-A. Tulsa Hills and other related low to high intensity uses are developing in this area.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates West 71st Street as a Commuter Corridor.

The Plan describes Commuter Corridors as follows:

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

STREETS:

The Tulsa City-County Major Street and Highway Plan identifies West 71st Street as a primary arterial.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary Arterial	150'	8

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the project area as an Area of Growth and as a Mixed Use Corridor. The Growth and Stability and Land Use Maps are attached.

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

The development pattern and intensity for this site was established with the approval of PUD-768 in 2008. PUD-768 is being abandoned in favor of this proposal solely to remove the approximately 1.5 acres site adjacent and to the east of the subject tract. The proposed uses for the new PUD are in keeping with the original intent of PUD-768, eliminating Use Unit 18 – Drive-In Restaurants as a permitted use. On March 2, 2011 the TMAPC found PUD-783 to be in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of major amendment PUD-783-A is to add an approximately .51-acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west (see Exhibit A). The .51 acre tract is being abandoned from PUD-648 and will be combined with PUD-783 through the platting process. Also appearing on the 8/3/11 agenda of the TMAPC is rezone application Z-7177 seeking to rezone the .51 acre tract from CO to CS to remain consistent with the underlying zoning of PUD-783.

Approved in March 2011, PUD-783 is an approximately 4.4 acre tract located east of the northeast corner of West 71st Street South and US Highway 75 adjacent to the Olympia Medical Park/PUD-648. The site gradually slopes from south to north; with elevations ranging from 740-feet along West 71st Street to approximately 715 to 720-feet along the northern boundary of the site. Associated with major amendment PUD-783-A is major amendment application PUD-684-C seeking to abandon a portion of PUD-648. Major Amendment PUD-648-C also appears on the August 3, 2011 agenda of the TMAPC.

Staff contends that the addition of this “Extension Tract” (see Exhibit B) to PUD-783 is better suited to the stated goals and objectives of the mixed use corridor designation of the tract by the Comprehensive Plan. In acquiring the 78 foot wide Extension Tract and combining it with the QT tract it will allow the Qt building to be placed further to the west thereby greatly improving internal circulation within the site and providing for more direct access from West 71st Street to the parcel to the north. The acquisition of the Extension Tract should also help to minimize impact to West 71st Street by allowing pedestrian and vehicular traffic to flow between the two developments without entering back onto West 71st Street (see Exhibit C).

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-783 to be: (1) in harmony with the existing and expected development of surrounding areas; (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-783-A 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:

The development standards of as established for PUD-783 shall remain applicable, with the additional provision that the required mutual access

easement to be established between PUD-783/PUD-783-A and PUD-648-B/Olympia Medical Park shall include access to the existing drive within Olympia Medical Park/PUD-648-B which adjoins Development Area A of PUD-783/PUD-783-A.

DEVELOPMENT AREA A

Net Land Area: 2.69 acres
117,176 SF

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 - Shopping Goods and Services and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.08 FAR): 8,000 SF

Minimum Building Setbacks:

From 71 st St. ROW:	25'
From west boundary:	11'
From other boundaries:	11'

Maximum Building Height: 40'

Off-street Parking:

As required by the applicable use unit within the Tulsa Zoning Code.

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjacent residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of building wall or canopy to which the sign is affixed.

- (b) One monument style sign not exceeding 25 feet in height and 134 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other development areas. The sign shall be located along the 71st St. frontage and shall not exceed 25 feet in height and 250 square feet of display surface area and will be located no less than 100-feet from any other sign.

DEVELOPMENT AREA B

Net Land Area: 2.24 acres
97,138 SF

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 -Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.48 FAR): 46,682 SF

Minimum Building Setbacks:

From west boundary of the PUD:	11'
From north boundary of the PUD:	11'
From other boundaries of the PUD:	17.5'

Maximum Building Height:

Eighty feet (80') provided that, within 50' of the north boundary line building height shall not exceed 35'

Off-street Parking:

As required by the applicable use unit within the Tulsa Zoning Code

Minimum Landscaped Area:

10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible

to a person standing within an adjacent residential area. No light standard shall exceed 30 feet, provided that within 50 feet of the north boundary line, no light standard shall exceed 15 feet in height.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of building wall to which the sign is affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding eight feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within the project identification sign as permitted at the perimeter entry from 71st Street within Development Area A.

General Provisions for Both Development Areas

Landscaping and Screening

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from 71st Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than ten feet shall be maintained along the 71st Street frontage. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A screening wall or fence not less than six feet in height and a landscaped area of not less than five feet shall be maintained along the north boundary of Development Area B.

Access and Pedestrian Circulation

Access is to be derived from 71st Street and a mutual access easement will be established between Area A and Area B and between Area A and the property adjoining the east boundary of Area A.

Sidewalks will be provided, if not currently existing, along West 71st Street. Additional internal pedestrian circulation for Development Area A, including separate pedestrian walkways connecting the building front to the West 71st Street sidewalks and providing for future access to Development Area B, will be provided and will be subject to detail site plan review.

Internal pedestrian circulation connecting Development Area B to Development Area A will be subject to detail site plan review and approval at the time Area B is developed.

Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot-split application and subject to the further approval of as minor amendment by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area is to be made. Such transfer of floor area shall be subject of a PUD minor amendment and approved by the Tulsa Metropolitan Area Planning Commission.

3. Development may be phased. 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, pedestrian access 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 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.
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. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. 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.
9. If private streets were proposed, the City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and are outlined below.
12. 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.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers 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: The 60' pipeline right of way along the west side of the proposed lot will require documented releases before permits can be issued. The plat for Olympia Medical Park II appears to set up the Emergency Access Easement for the use of Olympia Medical Park and emergency vehicles only. An agreement with the owners would be needed for QT to use it for ingress and egress.

Water: There is an existing 8" waterline that runs along the north side of 71st Street, ensure that any site grading does not lower the 3' min coverage over the waterline. Provide adequate coverage over waterline during construction.

Fire: No comments.

Stormwater: The Extension Tract contains numerous Public and Private Utilities and Easements. Placement of fill material over underground utilities is greatly discouraged. Placement of Signs and Structures in Existing Easements is prohibited unless a license agreement with the City of Tulsa can be obtained. The Tract also includes a portion of Platted Reserve D which was dedicated to the Public for the purpose of permitting the flow, conveyance and discharge of stormwater runoff from and through the existing platted area and for the detention of stormwater. The portion of Reserve D that will become the northern drive must be vacated.

Wastewater: The U/E parallel to the proposed west property line must be extended 0.5' to the property line. This will provide sanitary sewer access for service to the western portion of Lot 1 Block 2. Excess Capacity Fees of \$1,090.00/acre must be paid for the area that is not part of the existing Olympia Plat.

Transportation: Sidewalks required along street frontages

INCOG Transportation:

- **MSHP:** 71st St. S., between S. Elwood Ave and US-75, is designated primary arterial.
- **LRTP:** 71st St. S., between S. Elwood Ave and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **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.

Traffic: No comments.

GIS: No comments.

Street Addressing: House Number(s) listed on property: 809 W 071 ST S. Addressing Atlas Page #('s): 01011,01012

Inspection Services: No comments.

TMAPC COMMENTS:

Ms. Cantrell expressed concerns with the pedestrian circulation. Mr. Sansone stated that the applicant has been informed that when the detail site plan is submitted it will be expected to have pedestrian connectivity between the QuikTrip site and the Olympia Medical Park.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing QuikTrip, stated that Mr. Sansone presented the application very well. Mr. Johnsen explained the reason for the PUD abandonment and rezoning. He indicated that staff recommendations are acceptable to him and requested the Planning Commission to approve it.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the major amendment for PUD-783-A per staff recommendation.

Legal Description for PUD-783-A:

The West 331.94 feet of the North 286 feet of the South 366 feet of the Southeast Quarter of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma according to US Government Survey thereof, And The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat # 6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat # 5567 thereof.

* * * * *

OTHER BUSINESS:

None.

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Commissioners' Comments

None.

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There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

Chairman

ATTEST:_____

Secretary

Minutes:

Approval of the minutes of July 20, 2011 Meeting No. 2606

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the minutes of the meeting of July 20, 2011, Meeting No. 2606.

* * * * *

AGENDA:

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.

1. **LS-20450**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34th Street South
2. **LS-20313**, (Lot-Split) (CD-6) Location: Northeast corner of East Admiral Place and North 183rd Avenue
3. **Partial Vacation of Plat and Amendment of Deed of Dedication and Restrictive Covenants** – 9100 Yale, Location: North of the northeast corner of South Yale Avenue and East 91st Street South
4. **Change of Access** – Lot 1, Block 1, Unique Metals, Location: South of 101st Street South, East of Arkansas River
5. **Correction of Scrivener's Error** – Lot 6, Block 14, Blocks 8-14, Shadow Mountain Estates
6. **PUD-780-1 – HRAOK, Inc./Freedom Square, LLC**, Location: North of the northwest corner of East 51st Street South and South 177th East Avenue, Requesting **Minor Amendment** to increase the permitted amount of a required front yard a driveway may cover from 34 percent to 50 percent, **RS-3**, (CD-6)
7. **PUD-516-C-1 – HRAOK, Inc./101st and Yale Properties, LLC**, Location: Southeast corner of 101st Street South and South Yale Avenue, Requesting **Minor Amendment** to increase the permitted building height for an office building from two stories or 30 feet to, two stories or 34 feet, **RS-4/OL/CS**, (CD-8)

8. **PUD-696-B-1 – Roy Johnsen/9200 Delaware, LLC**, Location: South of the southwest corner of East 91st Street South and South Delaware Avenue, Requesting a **Minor Amendment** to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD, **OL/CS**, (CD-2)
9. **PUD-543-3 – Lou Reynolds**, Location: 10517 South Oxford Avenue, Requesting a **Minor Amendment** to raise permitted height for wall from 8' to 11'6", (CD-8) (Stricken for renoticing)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING:

10. **City Council Consensus 2011-12: To analyze and recommend to the City Council proposed ordinance amendments to the Zoning Code of the City of Tulsa to allow for oil and gas drilling inside the city limits of the City of Tulsa.**

PUBLIC HEARINGS:

11. **Z-6344-SP-10 – Jim Creager**, Location: South of southeast corner of East 61st Street and South 107th East Avenue, Requesting a **Corridor Plan** to allow the existing and vacant building to be marketed to a wider range of potential occupants, **CO**, (CD-7) (Related to Item 13.)
12. **Z-6344-SP-10** – Plat Waiver, Location: Lot 1, Block 1, Fred C. Langenkamp Addition, 10708 East 61st Street South (8406) (CD-7) (Related to Item 12.)
13. **Woodward Park** – Plat Waiver, Location: Southeast corner of Peoria and 21st Street South (CD-9)
14. **Whiteside Park** – Plat Waiver, Location: 4000 Block of East 41st Street South (CD-9)
15. **Z-7176 – TMAPC/Pearl District Demonstration Area**, General Location: 6th Street to 11th Street, Peoria to the east leg of the IDL, Requesting rezoning from **RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 TO Form Based Code (FBC)**, (CD-4)
16. **Z-7083-SP-2 – Bill LaFortune/Lamar**, Location: Northeast corner of Highway 75 and West 91st Street, Requesting **Corridor Plan** to add outdoor advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district, **CO**, (CD-2)

17. **PUD-648-C – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to abandon approximately .51 acres of property from the southeast corner of the PUD-648/Olympia Medical Park and add it to the property to the east, **CO/PUD/-648-B TO CS/PUD-648-C**, (CD-2) (Related to Items 19 & 20)
18. **Z-7177 – Roy D. Johnsen/QuikTrip**, Location: East of the northeast corner of Highway 75 and West 71st Street, Requesting rezoning from **CO/PUD to CS**, (CD-2) (Related to Items 18 & 20)
19. **PUD-783-A – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to add an approximately .51 acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west, **OL/CS/CO/PUD TO OL/CS/PUD-783-A**, (CD-2) (Related to Items 18 & 19)
20. **PUD-648-D – Andrew Shank/Big Time Billboards**, Location: Northeast corner and Northwest corner of West 71st Street and South Olympia Avenue, **Major Amendment**, (CD-2) (**Staff requests a continuance to 9/7/2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application**)

OTHER BUSINESS

21. Commissioners' Comments

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the

metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

* * * * *

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

MINUTES:

CONSENT AGENDA

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

3. **LS-20313**, (Lot-Split) (CD-6) Location: Northeast corner of East Admiral Place and North 183rd Avenue
4. **Partial Vacation of Plat and Amendment of Deed of Dedication and Restrictive Covenants – 9100 Yale**, Location: North of the northeast corner of South Yale Avenue and East 91st Street South
5. **Change of Access – Lot 1, Block 1, Unique Metals**, Location: South of 101st Street South, East of Arkansas River

STAFF RECOMMENDATION:

This application is made to allow a change of access to add an access along South Delaware Avenue. The property is zoned CG (commercial general).

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

6. **Correction of Scrivener's Error – Lot 6, Block 14, Blocks 8-14, Shadow Mountain Estates**
7. **PUD-780-1 – HRAOK, Inc./Freedom Square, LLC**, Location: North of the northwest corner of East 51st Street South and South 177th East Avenue, Requesting **Minor Amendment** to increase the permitted amount of a

required front yard a driveway may cover from 34 percent to 50 percent, **RS-3**, (CD-6)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted amount of a required front yard a driveway may cover from 34% to 50%. Citing market demand, the applicant's request is being made to allow homeowners the option of having a three-car wide driveway and a three-car garage.

There is no request to modify the livability space requirement of the PUD or the RS-3 District. Each lot will be required to meet the 4,000 square foot livability space requirement of the RS-3 District.

Section 1106 of the Zoning Code grants the Planning Commission the authority to adjust parking requirements in PUDs so long as, "a subdivision plat incorporating the provisions and requirements is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County Clerk of the county in which the property is located". Since the plat for this subdivision has not been finalized and if the Commission is inclined to approve the amendment request, the relaxation of the requirement of Section 1303-D of the Code can be added to covenants of the subdivision prior to finalization of the plat.

With the requests for three-car wide driveways, staff believes an important factor to consider is whether the required livability space requirement will be met on each lot, therefore limiting the potential for increased stormwater run-off. Since the livability space requirement will be met on each lot and the covenants of the plat would be amended to reflect the change, staff can support this request

Staff recommends **APPROVAL** of minor amendment PUD-780-1 allowing an increase of the permitted coverage of the required front yard by a driveway from 34% to 50%. The 4,000 square foot livability space requirement must still be met and covenants of the plat amended to reflect this requirement.

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

8. **PUD-516-C-1 – HRAOK, Inc./101st and Yale Properties, LLC**, Location: Southeast corner of 101st Street South and South Yale Avenue, Requesting **Minor Amendment** to increase the permitted building height for an office building from two stories or 30 feet to, two stories or 34 feet, **RS-4/OL/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted building height for an office building from two stories or 30 feet to two stories or 34 feet.

The applicant is making the request citing the architectural requirement of the PUD, which states that structures in the PUD shall, "have pitched roofs and an architectural style that will be compatible with the surrounding residential structures. Variations in roof lines, brick or stone facades, and buildings with offset rather than straight exterior walls are encouraged".

To meet the architectural requirements of the PUD the applicant is proposing a high pitched, 8:12 roof on the entry portion of the building (see attached Exhibit A201). This necessitates the increase in building height. The applicant has discussed this issue with the most impacted property owner to the south (see attached email). The adjacent property owner has no objection to the four-foot increase, so long as efforts are made to maintain his family's privacy. The developer and neighbor to the south have agreed that second floor windows on the south elevation should be limited to small, horizontally installed transom style windows. The windows would be placed near the ceiling line of the second floor south elevation, which would allow natural light to enter the space while maintaining privacy for the neighbors to the south.

Section 1107, H-9 allows the TMAPC to change structure heights provided the approved Development Plan, PUD standards, and the character of the development are not substantially altered.

Since the building is being designed to meet the architectural requirements of the PUD and the developer has agreed to limit the windows on the south-facing elevation of the structure, staff contends the approved Development Plan, PUD standards, and the character of the development will not be substantially altered.

Staff recommends **APPROVAL** of minor amendment PUD-516-C-1 increasing the building height from two stories or 30' to two stories or 34' for the structure on Lot, 1, Block 1 – 101 Yale Village Office Park. Windows on the south elevation shall be limited to small, horizontally-installed transom windows located near the ceiling line of the second story.

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

9. **PUD-696-B-1 – Roy Johnsen/9200 Delaware, LLC**, Location: South of the southwest corner of East 91st Street South and South Delaware Avenue, Requesting a **Minor Amendment** to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD, **OL/CS**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to adjust the required livability space per dwelling unit and request an increase in permitted commercial and office floor area permitted by the PUD.

Approved in April of 2011, PUD-696-B has a livability space requirement of 440 square feet (SF) per dwelling unit (DU). The Code states the requirement for livability space per dwelling unit for a multifamily development in a commercially zoned district is based on the RM-2 district requirement of 200 SF/DU. The applicant is proposing 240 SF/DU. Since the minimum requirement of 200SF/DU of livability space will continue to be met, staff does not see this reduction in open space as substantially altering the approved Development Plan, PUD Standards or the character of the development.

With a decrease in livability space it becomes necessary to adjust the 30% open space landscape requirement that was placed on the PUD. The Zoning Code does not require multifamily developments to landscape a percentage of the lot. The landscape requirement for multifamily developments is limited to street yard landscaping and parking area landscaping. The applicant is seeking a reduction in open space from 30% of the lot to 18% of the lot. Since placing an over-all landscape open space percentage on the lot was done voluntarily, staff can support this request.

The applicant is also seeking an increase in permitted non-residential floor area from 103,192 SF to 118,670 SF; an increase of 15,478 SF or 14.9%. The 118,670 SF would be allocated as follows: 74,024 SF dedicated to retail uses and 44,646 SF dedicated to office uses. The underlying zoning on the property would allow a total of 204,846 SF of non-residential floor area based on the existing square footage of OL and CS zoning (see attached zoning intensity analysis). Since the property's designation as a Town Center within the Comprehensive Plan calls for a more intensive, mixed use development staff views the request as keeping with the Plan.

Staff recommends **APPROVAL** of minor amendment PUD-696-B-1 allowing a livability space requirement for Development Area B of 240 SF, an over-all open space requirement of 18%, and an increase in permitted non-residential floor area in Development Area A to 118,670 SF by allocating 74,024 SF to retail uses and 44,646 SF to office uses.

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

TMAPC COMMENTS:

Mr. Leighty stated that Item 2, LS-20450 has a request to continue to August 17, 2011 and Item 10 will be stricken in order to allow for renoticing.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the consent agenda Items 3 through 9 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

2. **LS-20450**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34th Street South

STAFF RECOMMENDATION:

Staff is requesting a continuance for LS-20450 to August 17, 2011.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the lot-split for LS-20450 to August 17, 2011.

* * * * *

10. **PUD-543-3 – Lou Reynolds**, Location: 10517 South Oxford Avenue, Requesting a **Minor Amendment** to raise permitted height for wall from 8' to 11'6", (CD-8) (Stricken for renoticing)

STAFF RECOMMENDATION:

Staff recommends that this item be stricken from the agenda. Staff will prepare and renotece for this item.

STRICKEN.

PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING:

- 11. City Council Consensus 2011-12:** To analyze and recommend to the City Council proposed ordinance amendments to the Zoning Code of the City of Tulsa to allow for oil and gas drilling inside the city limits of the City of Tulsa.

STAFF RECOMMENDATION:

SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES

- A. Description.** Uses which in some instances may be suitable for location in any district, but because of their potential adverse influence on adjacent properties require site review and are therefore permitted in all districts, as a special exception requiring Board of Adjustment approval.

B. Included Uses:

Adult Detention Center
Airport, Heliport
Bed and Breakfast Inn
Bus Station
Cemetery (see Section 1202.C.9)
Children's Home
City/County Health Department
Construction Facilities (off site)
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Day Camp
Emergency and Protective Shelter
Governmental Services, NEC
Homeless Center
Hydroelectric Generation Plant
Jail
Juvenile Delinquency Center
Marina
Mausoleum
Nursing Home
Oil and Gas Drilling ****
Post Office
Power Plant
Prison
Private Club or Lodge*
Residential Treatment Center
Rifle and Skeet Range, Gun Club
Sanatorium
Sanitary Landfill

Sewage Disposal Facility
Transitional Living Center

Uses which utilize tents, canopies or open air activities** such as:***

Carnival
Christmas tree sales
Circus
Fruit and vegetable sales
Other sales of merchandise
Plant sales
Tent Revival

Water Treatment Plant

* Chief activity is a service not carried on as a business.

** Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

*** Tents for such uses for special events are allowed by right on properties zoned CBD and not in the right-of-way.

****Subject to City of Tulsa Title 42-A

STAFF RECOMMENDATION:

Mr. Alberty stated that this was advertised for today's public hearing. This was handled last year under Title 42-A to allow oil and gas drilling within the city limits of Tulsa. There was an omission that needed to be included in this operation and that was the amendment to Title 42, which controls the Board of Adjustment and allows for consideration of oil and gas drilling within the City. Mr. Alberty explained that up until this point drilling had been prohibited and with the adoption of Title 42-A it is now allowed to be considered under Use Unit 2.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Alberty if the Planning Commission has seen this proposal prior to its adoption and is the request to study it or hold a public hearing. Mr. Alberty stated that the decision has already been made and it was an oversight that it wasn't followed through in February when Title 42-A was adopted. There was a lack of communication regarding amending Title 42 and now it has been discovered that it needs to be done and that is what is before the Planning Commission today. The mechanism that would put this into place is an amendment to Title 42 to allow consideration of any application before the Board of Adjustment under Use Unit 2. Ms. Cantrell asked if Title 42-A came before the Planning Commission. In response, Mr. Alberty stated that Title 42-A didn't come before the Planning Commission.

Mr. Boulden stated that this is the last step to allow oil and gas drilling within the City of Tulsa. This will remove one of the prohibitions in the ordinance to oil and gas drilling in Tulsa and make it possible to be approved by the Board of Adjustment. Mr. Boulden stated that this is an amendment he would recommend.

Mr. Carnes moved to approve the proposed amendment, seconded by Mr. Walker.

Ms. Cantrell stated that she understands that this is a done deal and whatever is done today the City Council will go forward with this. Ms. Cantrell indicated that she can't support this proposal. From a planning perspective, allowing city-wide uses for drilling is a bad idea. There is too much potential for danger. In 1910 they decided to quit drilling within the city limits and she doesn't see what has changed that would justify allowing drilling inside the city limits. Ms. Cantrell commented that this is a bad idea. She recognizes that the City Council has every right to do this, but she can't support this proposal.

Mr. Leighty stated that he can't support this proposal. He doesn't see how anyone can think that this is a good idea. The prohibition has been on the books for decades and there is a reason for it. To change it now to try and put a band-aid on budgetary crisis that the City has been through and he doesn't think it is the right answer.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-4-0** (Carnes, Dix, Liotta, Midget, Stirling, Walker "aye"; Cantrell, Leighty, Perkins, Shivel "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment to Section 1202 to add Oil and Gas Drilling to the included uses for Area-Wide Special Exception Uses per staff recommendation.

PUBLIC HEARING

12. **Z-6344-SP-10 – Jim Creager**, Location: South of southeast corner of East 61st Street and South 107th East Avenue, Requesting a **Corridor Plan** to allow the existing and vacant building to be marketed to a wider range of potential occupants, **CO**, (CD-7) (Related to Item 13.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 17671 dated February 27, 1992, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-20118 September 2005: The Board of Adjustment approved a Special Exception to allow a public park on a 48± acre tract that is a detention pond, subject to Public Works and/or Parks Department submitting a site plan addressing parking facilities and/or fencing according to the wishes of the neighborhood; per amended legal description and located northwest of the northwest corner of East 61st Street and South Garnett Road and abutting east of the subject property.

Z-5956-SP-2 June 1993: Staff recommended denial of a proposed Corridor Site Plan on a 9.5± acre tract of land for a convenience store at the northwest corner and a restaurant at the northeast corner with the remainder undeveloped. The TMAPC and City Council concurred in approval of the application; on property located east of the southeast corner of South 107th East Avenue and East 61st Street South and abutting northeast of subject property.

Z-6344-SP-1 April 1992: Staff recommended denial of a proposed Corridor Site Plan on a 2.09± acre tract of land for a retail/wholesale sprinkler system business that includes a two-story, 2,625 square foot building. The TMAPC and City Council concurred in approval of the application; on property located on the southeast corner of East 61st Street South and Highway 169 South, and is the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.95± acres in size and is located south of southeast corner of East 61st Street and South 107th East Avenue. The property is developed and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by QuikTrip No. 83, zoned CO and vacant/unplatted property used for stormwater detention facilities; on the north by 107th Avenue East, an approximate 80 foot wide right-of-way for 61st Street South and then 61st Street South. Across 61st Street is Golden Valley, zoned IL and being used commercially; on the south by Fred C. Langenkamp Addition, zoned CO and used as offices/commercial; and on the west by Southport, zoned CO and being used as multifamily residential. Beyond the apartments is Highway 169.

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

TRANSPORTATION VISION:

The Comprehensive Plan classifies East 61st Street South as a Multimodal Corridor and does not classify South 107th Avenue East. Nearby Garnett Road is also classified as a Multimodal Corridor.

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

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

STREETS:

The Tulsa City-County Major Street and Highway Plan Designates East 61st Street South as a Secondary Arterial and South 107th Avenue East as a Commercial/Industrial Street.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 61 st Street South	Secondary Arterial	100'	4 (with large median)
South 107 th Avenue East	Commercial/Industrial Street	55'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an Area of Growth with a Land Use Plan category of Employment.

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

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

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

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

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

This development was approved in 1992 prior to the adoption of the updated Tulsa Comprehensive Plan. There is no zoning change proposed with this application. Staff contends the additional uses being requested **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of Corridor District Plan Z-6344-SP-10 is to allow the existing and vacant building to be marketed to a wider range of potential occupants. The property is relatively flat and is developed with a commercial building.

Approved in 1992, the original Corridor District Plan for this property strictly limited the use of the property to a "retail/wholesale sprinkler system business" only. That business has since vacated the premises leaving the owner of the property with few alternatives for marketing the building to potential tenants.

The applicant is seeking to add those uses permitted as a matter of right in Use Unit 11 (Offices); Use Unit 12 (Restaurants – excluding Use Unit 12a – Adult Entertainment); Use Unit 13 (convenience Goods); Use Unit 14 – (Retail); Enclosed Commercial Recreation Establishments NEC and Health Club/Spa only within Use Unit 19; Wholesale Distributors and Wholesale Establishments NEC only within Use Unit 23 and customary accessory uses to principal permitted uses. There are no other changes being sought to the originally approved development plan.

Staff believes improvements will be made to the property which will make the building much more user friendly and aesthetically pleasing, more compatible with the surrounding area and provide much safer pedestrian access.

Staff finds the additional uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds Z-6344-SP-10 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-6344-SP-10 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: 3.67 gross acres/1.95 net acres

PERMITTED USES:

Those uses permitted as a matter of right within Use Unit 11; Use Unit 12 (Excluding Use Unit 12a); Use Unit 13; Use Unit 14; Enclosed Commercial Recreation Establishments NEC and Gymnasium, Health Club/Spa only within Use Unit 19; Wholesale Distributors and Wholesale Establishments NEC only within use unit 23 and customary accessory uses.

MAXIMUM BUILDING FLOOR AREA: 25,500 SF

MAXIMUM LOT COVERAGE BY BUILDINGS: 30%

SETBACKS:

From the north property line:	50'
From the west property line:	50'
From the south and east property lines:	To be determined by detail site plan review.

MAXIMUM BUILDING HEIGHT: 35'

OFF-STREET PARKING:

Per the applicable Use Unit within the Tulsa Zoning Code.

LANDSCAPING:

Per Chapter 10 of the Tulsa Zoning Code.

ACCESS:

Vehicular access will remain the same. Sidewalks will be constructed along the entirety of South 107th East Avenue and will connect to the

sidewalk on the south side of 107th Avenue East leading to the QuikTrip store to the east. Distinct pedestrian access will be provided from the 107th sidewalk through parking lots to

LIGHTING:

All exterior lighting, including building mounted shall comply with Chapter 13 requirements of the Tulsa Zoning Code. Verification of compliance shall be through the submittal of a photometric plan and manufacturers cut sheets for light fixtures being installed.

SIGNS:

The current sign for "The Greens at Bedford" apartments owned by Case & Associates was permitted under Z-6344-SP8 and is on a month-to month ground lease. Any new signs shall be per Section 802, B-3 of the Tulsa Zoning Code.

TRASH AREAS:

All trash areas shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

3. No zoning clearance permit shall be issued until a detail site plan for the lot, includes all buildings, parking, lighting and landscaping areas has been submitted to the TMAPC and approved as being in compliance with the approved CO District Plan development standards.
4. A detail landscape plan for each development area and/or lot shall be approved by TMAPC prior to the 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 development until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved CO District Site Plan development standards.
6. 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 the lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. No building permit shall be issued until the requirements of Section 805-E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within restrictive covenants the CO District Plan conditions of approval and making the City beneficiary to said covenants that relate to CO District Plan terms and conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Approval of the CO District Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
10. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle.

TAC COMMENTS:

General: No comments.

Water: Existing 8" line located on the west side of 107th E Ave, developer will need to bore street for future service connection.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** No comments.
- **LRTP:** E. 61st Street S., between S. Mingo Rd and S. Garnett Road, existing 4 lanes. US-169, on 61st St. S., planned 8 lanes. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates existing routes on E. 61st Street S., between S. Mingo Rd and S. Garnett Road. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: House Number(s) listed on property: 10708 E 061 ST S
Addressing Atlas Page #('s): 00757

Inspection Services: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Leighty asked if page 12.14 of the agenda packet contains a sketch of what is being proposed. Mr. Sansone stated that it is conceptual by nature and the applicant is not sure at this time the amount of add-on he will have to do to the building. The applicant is currently looking for tenants. The applicant does plan on improving the subject property and it may or may not look identical to the sketch that is conceptual at this time. The applicant will have to come back for a detail site plan review and the Planning Commission will get to look at it again.

Applicant's Comments:

Jim Creager, 5533 East 89th Court, stated that at this time his sketch of the proposal is conceptual. He would like to keep it very similar to the sketch, but not exact. It would all depend on the type of tenants he acquires. Mr. Creager indicated that he has had a lot of inquiries due to the location. He stated that he has a potential tenant who would like to have the entire building as office use. Mr. Creager indicated that he originally wanted to have destination retailers, but he is looking at all possibilities.

TMAPC COMMENTS:

Mr. Dix asked Mr. Creager if he is in agreement with staff's recommendation. In response, Mr. Creager stated that he is in agreement.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the corridor plan for Z-6344-SP-10 per staff recommendation.

Legal Description for Z-6344-SP-10:

Lot 1, Block 1, Fred C. Langenkamp Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

13. **Z-6344-SP-10** – Plat Waiver, Location: Lot 1, Block 1, Fred C. Langenkamp Addition, 10708 East 61st Street South (8406) (CD-7) (Related to Item 12.)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a request for expanded uses in a Corridor site plan.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: Property was previously platted for the Corridor.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the previously platted property for a waiver.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

- | | | |
|-----|---|---|
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Z-6344-SP-10 per staff recommendation.

* * * * *

14. **Woodward Park** – Plat Waiver, Location: Southeast corner of Peoria and 21st Street South (CD-9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a building permit requirement.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: This is an existing park area.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

Fire hydrants and other fire department requirements may be required based on location of new building.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the waiver for the park.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- | | | |
|-----|---|---|
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Woodward Park per staff recommendation.

15. **Whiteside Park** – Plat Waiver, Location: 4000 Block of East 41st Street South (CD-9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a building permit requirement.

Staff provides the following information from TAC at their July 21, 2011 meeting:

ZONING:

TMAPC Staff: This is an existing park area.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for Whiteside Park per staff recommendation.

* * * * *

16. **Z-7176 – TMAPC/Pearl District Demonstration Area**, General Location: 6th Street to 11th Street, Peoria to the east leg of the IDL, Requesting rezoning from **RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 TO Form Based Code (FBC), (CD-4)**

TMAPC COMMENTS:

Mr. Leighty stated that this is the final action required to implement the pilot project for the Pearl District Form-Based Code. The TMAPC has previously, by unanimous vote, recommended that the City Council approve the Form-Based Code and the accompanying Regulatory Plan, which has been done. If this application is approved today, all existing zoning districts in the pilot area will be replaced by the new zoning district.

Mr. Leighty stated that at this time he will disclose, in addition to considerable discussion with members of the INCOG staff and the City of Tulsa Planning Department, he has had ex parte communications on this matter before the Commission with Mr. Jamie Jamieson, Chairman of the Urban Design Committee of the Pearl District Association and key participant in the evolution of this entire process. Mr. Leighty further stated that Jamie is a good personal friend whom he

sees often and he can state that within his communications and discussions, relating to this zoning matter, Jamie has never attempted to lobby him or influence him in his job as a Planning Commissioner. Jamie does and has updated him on the processes and events of which has brought us to this point. In no way has my communications or discussions with Jamie led him to any conclusions, or restricted or influenced his objectivity or open mindedness in this matter. As with this and other cases before the Planning Commission, he reserves his final decision and final judgment until the public hearing has been concluded and all parties have had an opportunity to speak, so he therefore will not be recusing himself or abstaining from voting on this matter. As we move forward with the proposed expansion of the regulating plan to a larger Pearl District he would like everyone to know that he is available to meet with or listen to any stakeholders or interested parties as part of his fact finding mission to fully understand the relevant issues.

Ms. Cantrell stated that she has spoken with Jamie Jamieson in the past and she doesn't believe she has done that in many months. She indicated that she has also spoken with Theron Warlick on occasion, but she doesn't know if she would say that Theron is necessarily a party of interest. Like many of us here, we have all had people discuss Form-Based Codes at one time or another. Ms. Cantrell indicated that she would not be recusing herself.

Mr. Midget stated that he has spoken with a host of individuals, but he can't remember all of their names; if one comes up to speak he will acknowledge him/her. Everyone has talked to folks about this and this has been a process. Mr. Midget indicated that he has talked with Jamie Jamieson as well.

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The area is a largely residential area, with mixed uses nearby.

SURROUNDING AREA: There are a variety of uses nearby, including institutional, industrial, recreational and commercial. It is envisioned that the overall Pearl District will become a very mixed use (re)development.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Peoria as a Frequent Bus route. Designs for new development in the area include provisions for motor vehicle, bicycle and pedestrian travel. The Peoria bus route is currently one of the most heavily traveled routes in the Tulsa Transit system, carrying commuters to work, medical services, access to various retail services and other destinations.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria	Urban Arterial	70'	4
East 6 th Street	N/A	N/A	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This area is incorporated into the Form Based Code Plan, recently adopted by the City Council. It is envisioned as a residential/commercial/institutional/mixed use development with a variety of transportation options available and encouraging development on the frontage, with parking to the rear of buildings.

STAFF RECOMMENDATION FOR ZONING:

This is the final action required to implement the pilot project for the Pearl District Form Based Code. All the existing zoning districts will be replaced by the new zoning district FBC (Form Based Code). Based on the Comprehensive Plan and the adopted Regulatory Plan for this area of the Pearl District the staff recommends **APPROVAL** of FBC (Form Based Code) for Z-7176.

Mr. Alberty stated that this is the last step to implement the Form-Based Code. Mr. Alberty further stated that Mr. Jamieson and his design team from the Pearl District really need to be complimented for sticking with this process.

Mr. Alberty stated that all of this started with the 6th Street Corridor Plan, which was basically the Pearl District that is bordered by 11th Street on the south, I-244 on the north and the Inner Dispersal Loop (IDL) and Utica. It was determined years ago that the best method would be to proceed with a pilot project and that was done. A consultant was hired and the Form-Based Code was adopted in November 2010, which was step one. Step two was adopting the regulating plan for the area being affected. Step three was to amend the Zoning Code, Title 42, to add Form-Based Code (FBC) and that has been accomplished. This is the final step, which will implement the Code and the regulating plan, will be to rezone it FBC. All of the existing zoning categories will be removed and everything in this district that needs to be redeveloped or additions added to must comply with Title 42-B, which is the Form-Based Code. Generally speaking, this would be 5th Place on the north, 11th Street on the south, the east leg of the IDL on the west and Peoria. Please note that it is also the intersections of 6th and Peoria have been included, as has the northeast corner of 11th and Peoria.

TMAPC COMMENTS:

Mr. Boulden stated that he has had some discussions with staff regarding PUD-629. He thinks implicit in this is that when one talks about removing all of the underlying zonings; it includes abandonment of PUD-629. Mr. Alberty stated that typically there is a process for abandonment and if this meets Legal muster, he is certainly okay with that. Mr. Boulden stated that it really depends on notice, but

he thinks removal and abandonment are synonymous and people know exactly what is expected here if that is the intent and it could be part of the ordinance. Mr. Alberty stated that he believes that the owner of the subject property clearly understands that the PUD is removed with this action.

Ms. Cantrell asked if the covenants associated with PUD-629 would be removed as well or would they still exist. Mr. Boulden stated that removal of PUD-629 would remove the ability of the City of Tulsa to, through criminal prosecution or other matters, to enforce the requirements of PUD-629, but then the covenants may privately be enforced. This may be something, as far as cleaning up title; the owner of the subject property might want to have the PUD covenants removed. Ms. Cantrell asked if the City is made beneficiary of the covenants. Mr. Boulden stated that he doesn't know the specifics of the covenants for PUD-629, but typically the City is made beneficiary. Vacation of a plat is what he would expect to happen here or District Court action or by an instrument filed by 60 percent of the owners. In this process they would ask the covenants be removed and the City of Tulsa would have to consent to that. It would be typically implemented by private action, but there would be some participation by the City of Tulsa. Ms. Cantrell stated that the one thing that gives her pause is that people might purchase property thinking that there are covenants that are still good and there would be nothing for them to see that they are no longer applicable. Mr. Boulden stated that the covenants will remain in place until removed as required by law and they would get notice of that. Mr. Alberty agreed with Mr. Boulden's statement. Mr. Alberty stated that the only before the Planning Commission today is the zoning. A subdivision plat is a totally different issue and will have to be dealt with privately.

INTERESTED PARTIES COMMENTS:

Charles Zeimet, 7407 East Folsom Road, Claremore, OK 74019, expressed concerns for the American Legion building and the cemetery. He asked if the plans were to make 8th Street to 11th Street a park area.

Mr. Boulden stated that there are no plans to change things right now. What currently exists will be allowed to exist until someone wants to redevelop and at that time they would have to conform to the regulatory plan. The term is "existing non-conforming uses" or "lawfully non-conforming uses". The existing uses will continue until someone wants to change them and to his knowledge there are no plans to change the open area where the cemetery is currently located. Mr. Boulden explained that if someone wanted to develop in the subject area they would be regulated by the Form-Based Code and not the Zoning Code directly and they would have to look to the FBC, which provides restrictions on how they would develop the land.

Mr. Zeimet stated that it would seem to be going backwards if the City turned the subject area into a park since they are unable to keep the existing parks and

swimming pools opened. Mr. Boulden stated that the open areas are intended to remain as open areas and there are no plans to expand it to his knowledge.

Ms. Cantrell stated that currently the cemetery is designated as "civic space", which could mean just cemetery. She has never heard anyone say that there are any plans to change it.

Mr. Alberty stated that the regulatory plan calls for a residential frontage, which means that the Legion building could continue as it exists. If it were to be redeveloped, it would have to be in a residential category.

In response to the audience, Mr. Alberty stated that there are no plans to tear down the American Legion building. A lady from the audience stated that the word on the street is that the American Legion building is going to be torn down.

INTERESTED PARTIES COMMENTS:

Doug Dodd, 3215 East 57th Street, 74105, stated that he is representing the American Legion, Carson-Wilson-Rigney-Forrester Post 1, located at 1120 East 8th Street. He explained that he is a member of the Post and Judge Advocate for the Post. Mr. Dodd stated that he has been involved to the extent of being invited to a couple of hearings over the past number of months about the change to Form-Based zoning. He has had conversations with some of the City development personnel and have continually asked and been reassured that the building would be grandfathered in. Mr. Dodd stated that he is concerned that nothing happen as a result of the Form-Based change that would cause or require the American Legion Post 1 to change its structure or its look. Mr. Dodd stated that he wants to be trustful of the representations that have been made, but he also wants to appeal to the Commission that the Post has served veterans of several wars for over 90 years. The American Legion doesn't intend to leave and he doesn't intend to run south. The current location is where it started and plans to stay. The American Legion wants to be a good neighbor and is in favor of positive redevelopment and improvement in the Pearl District area. He urged the Planning Commission to remember the history of both the cemetery and the American Legion when any applications come before them in the Pearl District.

Mr. Alberty read page 9 of the Code, Section 204-C – Applicability of Code Requirements. He commented that the Legion should feel comfortable with what they have now is not going to be affected by this change.

Jamie Jamieson, 756 South Norfolk Avenue, 74120, Chair of the Design Committee for the Pearl District Association, stated this process started back in 2001. Mr. Jamieson stated that he is a resident and developer of Central Park. Mr. Jamieson stated that he is the largest stakeholder in the neighborhood. He indicated that he is in strong support of the Form-Based Code.

Mr. Jamieson stated that the City funded this process through the Central Park TIF District. He explained that there are plans to roll this out to the rest of the Pearl District. Mr. Jamieson listed several other neighborhoods that are interested in the Form-Based Codes.

Mr. Jamieson stated that he is the one who took on PUD-629 for the development of Central Park. He stated for the record that he really didn't want to do a PUD and he would have much rather had a Form-Based Code at that time. Most of what is in the PUD is encapsulated in spirit and character in the approach of the Form-Based Code in terms of compact walkability and so on. He realizes that PUD-629 will be abandoned. Covenants and conditions don't have too much to do with the City of Tulsa, but more like what shall and shall not do among the owners.

Mr. Jamieson stated that he has always felt that the American Legion was a very good neighbor and enjoy the activities that they have there.

Mr. Boulden congratulated Mr. Jamieson for his patience and tenacity.

TMAPC COMMENTS:

Michelle encouraged Mr. Jamieson to meet with the American Legion and talk about the issues. Once rumors start, it is really hard to stop them.

Mr. Leighty stated that he is in support of this application and feels that the Form-Based Code will make it easier for people to develop within the neighborhood. This is a good enough Code that it could be expanded to other neighborhoods and it has been proposed to be expanded into the regulatory plan and the entire Pearl District. Mr. Leighty commended everyone involved with the process.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the Form-Based Code designation for Z-7176 per staff recommendation, including abandonment of PUD-629.

Legal Description for Z-7176:

Beginning at the intersection of the centerlines of East 5th Place South and South Peoria Avenue; Thence South along the centerline of South Peoria Avenue to the centerline of East 11th Street South; Thence West along the centerline of East 11th Street South to the East Right-of-Way line of Highway 75; Thence North along said Right-of-Way line to a point aligned with the centerline of the alleyway of Block 11, Central Park Place Addition; Thence East along the centerline of said alleyway to the centerline of South Norfolk Avenue; Thence North along the centerline of South Norfolk Avenue to the centerline of East 5th Place South; Thence East along the centerline of East 5th Place South to the Point of

Beginning; Section 1, T-19-N, R-12-E; City of Tulsa, Tulsa County, Oklahoma; AND an area described as follows: Beginning at the intersection of the centerlines of East 5th Place South and South Peoria Avenue; Thence South along the centerline of South Peoria Avenue 506 FT; Thence East 168 FT; Thence South 150 FT; Thence West 168 FT; Thence North to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma; AND an area near the intersection of East 11th Street South and South Peoria Avenue more particularly described as follows: Beginning at the intersection of the centerlines of East 11th Street South and South Peoria Avenue; Thence North 130 FT; Thence East 168 FT; Thence South 130 FT; Thence West to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma.

* * * * *

21. PUD-648-D – Andrew Shank/Big Time Billboards, Location: Northeast corner and Northwest corner of West 71st Street and South Olympia Avenue, **Major Amendment, (CD-2) (Staff requests a continuance to 9/7/2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application)**

STAFF RECOMMENDATION:

Staff requests a continuance to September 7, 2011 to allow for spacing verification to be heard by BOA and to file a Corridor Plan application.

There were no interested parties wishing to speak.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** PUD-648-D to September 7, 2011.

* * * * *

17. Z-7083-SP-2 – Bill LaFortune/Lamar, Location: Northeast corner of Highway 75 and West 91st Street, Requesting **Corridor Plan** to add outdoor advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district, **CO, (CD-2)**

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21731 dated February 11, 2008, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-21293 July 12, 2011: The Board **accepted** a *Verification* of the spacing between outdoor advertising signs; and a *Verification* of the spacing requirement for a digital outdoor advertising sign of 1,200 FT from any other digital outdoor advertising sign facing the same traveled way; based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; located north of the northeast corner of East 91st Street South and Highway 75.

Subject Property:

BOA-20822 December 9, 2008: The Board **accepted** a *Verification of Spacing* between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, based upon the facts in this matter as they presently exist; located on the subject property.

BOA-20821 December 9, 2008: The Board **accepted** a *Verification of Spacing* between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, based upon the facts in this matter as they presently exist; located on the subject property.

Z-7083/ Z-7083-SP-1 February 2008: All concurred in approval of a request for rezoning a 12± acre tract of land from AG to CO and a Corridor Site Plan for mixed commercial use on property located northeast corner of Highway 75 and West 91st Street and the subject property.

Surrounding Property:

BOA-20485 May 22, 2007: The Board **approved** a *Verification of the spacing requirements* for an outdoor advertising sign of 1,200 FT from another outdoor advertising sign on the south; and **denied** a *Verification of spacing requirements* for an outdoor advertising sign to the north, involving tribal lands; and **approved** a *Variance* of the spacing requirement from an outdoor advertising sign on the north, which is less than 1,200 FT from the sign on tribal lands; finding the billboard to the north is located on tribal lands, which circumstance is not specifically defined in the zoning code; located at 9001 S. Union Av.

PUD-694-B/Z-6916-SP-3 January 2007: All concurred in approval of a proposed Major Amendment to Planned Unit Development on a 8.3± acre tract of land to reallocate and approve Use Unit 21 from Development Area A (Lot 1) to Development Area B (Lot 2) in order to meet the 1,200 feet spacing requirement for an outdoor advertising sign, on property located north of northwest corner of West 91st Street and Highway 75 South.

PUD-694-A/Z-6916-SP-2 September 2005: A request for a major amendment to PUD on a 4.61± acre tract to allow a Use Unit 16 to permit a mini storage was approved on property located north of northwest corner of West 91st Street and Highway 75 South.

Z-6916/PUD-694 December 2003: Approval was granted for rezoning request and a PUD on property located north of northwest corner of West 91st Street and Highway 75 South. CS zoning was approved the south 467' of the subject property and CO zoning was approved on the balance. PUD-694 was also approved subject to Use Unit 15 be removed as an allowable use.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 12± acres in size and is located at the northeast corner of US Highway 75 and West 91st Street South. The property is vacant and zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by vacant/unplatted land, zoned AG (site of Jenks West Public School under construction); on the north by vacant/unplatted land, zoned AG; on the south by West 91st Street and then unplatted property, zoned AG and being used residentially; and on the west by Interstate 75, zoned AG.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate this section of West 91st Street.

STREETS: The Tulsa City-County major Street and Highway Plan designates West 91st Street as a Secondary Arterial Street.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 91 st Street	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates this property as an Area of Growth and a New Neighborhood.

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

displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Approved in 2008, prior to the adoption of the Comprehensive Plan update, Tulsa Hills South was approved as a mixed use commercial, retail, and office development. The addition of Outdoor Advertising as permitted within Use Unit 21 – Business and Outdoor Advertising signs with no zoning change request **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of Corridor District Plan Z-7083-SP-2 is to add Outdoor Advertising as allowed within Use Unit 21 – Signs and Outdoor Advertising as a permitted use within this existing corridor district. The property lies within a Freeway Sign Corridor as required for the placement of outdoor advertising signs. Spacing verification was accepted by the City of Tulsa Board of Adjustment (BOA) on 7/12/2011 and was accepted for either a traditional billboard or a digital billboard.

Corridor District Z-7083-SP-1 is a 12 ½ acre (+/-) tract located at the northeast corner of US Highway 75 and West 91st Street South. The tract is currently vacant and slopes gradually from south to north. The property is zoned CO and is bordered on the west side by US Highway 75. Approved in 2008, the approved Development Plan calls for a multi-pad mixed use development allowing a wide range of commercial, retail and office uses.

Staff finds the addition of this use to be in harmony with the spirit and intent of the Code and in keeping with the originally approved Corridor District Development Plan. Staff finds Corridor District Plan Z-7083-SP-2 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 CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7083-SP-2 subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. All development standards and requirements of Z-7083-SP-1 shall remain effective with the addition of the following:

PERMITTED USES:

Add to the permitted uses of Corridor District Site Plan Z-7083-SP-1, Outdoor Advertising as permitted By Use Unit 21 – Signs and Outdoor Advertising.

Subject to the terms and conditions of Chapter 11 and Section 1221 of the Tulsa Zoning Code as applicable to Outdoor Advertising signs.

SETBACKS for O/A Signs:

17.5 feet from I-75 ROW*

** Per TAC Recommendation*

3. No sign permits shall be issued for erection of a sign on any 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.
4. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: The proposed structural signage cannot be placed over utilities, in Easements, or in Stormwater Overland Drainage ways.

Wastewater: Proposed signs should be located so they will not encroach into required perimeter easements, should the property become platted.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** 91st St. S., between S. Elwood Avenue and S. Union Ave is a secondary arterial.
- **LRTP:** US-75, between 81st St. S. and 91st St. S., planned 6 lanes. 91st St. S., between S. Elwood Avenue and S. Union Ave, existing 2 lanes.

- **TMP:** No Comment
- **Transit:** No current or future plans for this location.

Traffic: No comments.

Airport Authority: FAA study will be required prior to the approval of sign plans. Contact Ken White of the Airport Authority (838-5107).

GIS: No comments.

Street Addressing: House Number(s) listed on property: 8915, 9075 S OLYMPIA AV W Addressing Atlas Page #'s): 01747,01918

Inspection Services: No comments.

County Engineer: No comments.

Applicant's Comments:

William LaFortune, 2100 South Utica Avenue, Suite 210, 74114, stated that he is representing Lamar Outdoor Advertising Company and to a certain extent, Jenks Public Schools. Mr. LaFortune stated that he is in agreement with the staff recommendation and the conditions imposed. Mr. LaFortune submitted a letter from the Jenks Public Schools (Exhibit A-1) indicating their support of this application. Jenks Public Schools actually approached Lamar to locate on the subject property owned by them.

TMAPC COMMENTS:

Mr. Walker asked what the projected income for the school district will be for the subject sign. In response, Mr. Roger Wright, Executive Administrator, Jenks Public Schools, 205 East B Street, Jenks, 74037, stated that he solicited this agreement and Lamar agreed to split the gross income fifty percent and make the school district a true partner. Lamar is paying for the expense of construction, insurance and utilities. At 80 percent occupancy, both billboards would generate \$38,000.00 per year and it is a 20-year contract. In a single year it has the possibility of funding a half-time or full-time teacher. Currently, every single elementary classroom in the Jenks Public School District exceeds the State mandated class size.

Mr. Dix asked if the district places any restrictions in their contract with Lamar as to what could or couldn't be advertised. Mr. Wright stated that there are very specific restrictions.

Mr. LaFortune stated that this application is consistent with the Code and Comprehensive Plan.

Ms. Cantrell wanted to clarify that the sign is not digital and if it were to become digital, it would require it to be before the Planning Commission again.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the corridor plan for Z-7083-SP-2 per staff recommendation.

Legal Description for Z-7083-SP-2:

Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Lynne East of Highway 75, Less South 24.75' thereof for road, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

18. **PUD-648-C – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to abandon approximately .51 acres of property from the southeast corner of the PUD-648/Olympia Medical Park and add it to the property to the east, **CO/PUD/-648-B TO CS/PUD-648-C**, (CD-2) (Related to Items 19 & 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 55-+ acres in size and is located at the northeast corner of Highway 75 and West 71st Street South. The property is partially developed and is zoned CO/PUD-648-B.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned CS/OL/PUD-783 and will be developed as a QuikTrip Store (the property is currently being platted), by unplatted land zoned AG and RS-3, and by Cates Addition, zoned RS-3; it is bordered on the north by unplatted land, zoned AG; on the south by West 71st Street and then Tulsa Hills, zoned CO; and on the west by US Highway 75, zoned AG.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates West 71st Street as a commuter corridor. Commuter corridors are described by the Plan as streets which are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

STREETS:

The Tulsa City-County Major Street and Highway Plan identifies West 71st Street as a primary arterial and South Olympia Avenue as a commercial collector.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary Arterial	150'	8
South Olympia Avenue	Commercial Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this subject area as a Town Center and the area adjacent to the east as a Mixed Use Corridor. Town Centers are medium-scale, one- to five-story mixed use areas intended to serve a larger area of neighborhoods, (page LU-32). The area is also designated as an Area of Growth. As the Comprehensive Plan states, Areas of Growth are to direct the allocation of resources and channel growth to locations where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.

Based on the Comprehensive Plan and development trends in the area, staff can recommend **APPROVAL** of CS zoning for Z-7177.

STAFF RECOMMENDATION:

The purpose of this major amendment is to abandon approximately .51 acres of property from the southeast corner of PUD-648/Olympia Medical Park and add it to the property to the east. The property to the east is the recently approved PUD-783 and future site for a QuikTrip Store. The land exchange will allow for direct access between the QuikTrip site and the Olympia Medical Park (see Exhibit A). Accompanying this application is rezone application Z-7177 which will rezone the .51 acre strip from CO to CS to remain consistent with the underlying zoning of PUD-783.

Established in 2001, PUD-648/Olympia Medical Park is a 55-acre (+/-) tract located at the northeast corner of US Highway 75 and West 71st Street South. The property is quite rugged with a significant west to east slope and is partially developed with a hotel and medical office uses. The PUD also allows a variety of other commercial and office uses.

Staff finds the proposal to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-C 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-648-C subject to the following conditions:

1. The land area and permitted floor area for Development Area E/Lot 1 and Tract D of Development Area A (per the attached Exhibit A) be amended with a minor amendment to PUD-648-B/Z-6001-SP-3 to accurately reflect the land area and permitted floor area of each lot as a result of the abandonment of this portion of PUD-648-B and Corridor District Site Plan Z-6001-SP-3.
2. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: The Extension Tract contains numerous Public and Private Utilities and Easements. Placement of fill material over underground utilities is greatly discouraged. Placement of Signs and Structures in

Existing Easements is prohibited unless a license agreement with the City of Tulsa can be obtained. The Tract also includes a portion of Platted Reserve D which was dedicated to the Public for the purpose of permitting the flow, conveyance and discharge of stormwater runoff from and through the existing platted area and for the detention of stormwater. The portion of Reserve D that will become the northern drive must be vacated.

Wastewater: No comments.

Transportation: No comments

INCOG Transportation:

- **MSHP:** 71st Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.
- **LRTP:** US-75, between 61st St. S. and 71st St. S., planned 6 lanes. 71st St. S., between Peoria Ave. and US-75, planned 6 lanes.
- **TMP:** No comment
- **Transit:** Currently, Tulsa Transit operates existing routes on 71st St. S. all the way to Union Ave. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

Airport Authority: No Comments.

GIS: No comments

Street Addressing: House Number(s) listed on property: 6502, 6890, 7090 S OLYMPIA AV W, Addressing Atlas Page #'s): 00889, 01012

Inspection Services: No comments.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the major amendment for PUD-648-C per staff recommendation.

Legal Description for PUD-648-C:

The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #5567 thereof.

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19. **Z-7177 – Roy D. Johnsen/QuikTrip**, Location: East of the northeast corner of Highway 75 and West 71st Street, Requesting rezoning from **CO/PUD to CS**, (CD-2) (Related to Items 18 & 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21563 dated June 28, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56-acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .51-± acres in size and is located east of the northeast corner of Highway 75 and West 71st Street. The property appears to be vacant and is zoned CO/PUD-648-B.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land (proposed to be the other part of the convenience store), zoned PUD-783/CS; on the north by the Olympia Medical Center, zoned PUD-648/CO; on the south by West 71st Street, zoned AG; and on the west by a stormwater detention facility as part of the Olympia development and vacant land-, zoned PUD/CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East 71st Street as a Commuter Corridor. According to the Comprehensive Plan (chapter TR-16), these are envisioned to be arterials serving commercial uses that are heavily auto-oriented. On-street parking is infrequent. They are designed with multiple lanes are divided by a

landscaped median or a continuous two-way left-turn lane. They are designed to balance traffic mobility with access to adjacent businesses. The plan recommends that any congestion control come in the form of access management, traffic signal timing and intersection lane capacity improvements.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary arterial	120'	8 with turning lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this subject area as a Town Center and the area adjacent to the east as a Mixed Use Corridor. Town Centers are medium-scale, one- to five-story mixed use areas intended to serve a larger area of neighborhoods, (page LU-32). The area is also designated as an area of growth. As the Comprehensive Plan states, areas of growth are to direct the allocation of resources and channel growth to locations where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan and development trends in the area, staff can recommend **APPROVAL** of CS zoning for Z-7177.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the CS zoning for Z-7177 per staff recommendation..

Legal Description for Z-7177:

The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat #5567 thereof.

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20. **PUD-783-A – Roy D. Johnsen/QuikTrip**, Location: East of northeast corner of Highway 75 and West 71st Street, Requesting **Major Amendment** to add an approximately .51 acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west, **OL/CS/CO/PUD TO OL/CS/PUD-783-A**, (CD-2) (Related to Items 18 & 19)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22413 dated April 29, 1011, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783 April 2011: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for mixed use, and QuikTrip site, on property located east of northeast corner of Highway 75 and West 71st Street.

PUD-648-B April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South and a part of subject property.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .51± acres in size and is located east of northeast corner of Highway 75 and West 71st Street. The property appears to be vacant and is zoned OL/CS/CO/PUD.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by 71st Street South and then the Tulsa Hills Regional Shopping Center, zoned CO; and on the west by the Olympia Medical Park, a mixed medical park/hotel and related use development, zoned CO/PUD-648/PUD-648-A. Tulsa Hills and other related low to high intensity uses are developing in this area.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates West 71st Street as a Commuter Corridor.

The Plan describes Commuter Corridors as follows:

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

STREETS:

The Tulsa City-County Major Street and Highway Plan identifies West 71st Street as a primary arterial.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary Arterial	150'	8

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the project area as an Area of Growth and as a Mixed Use Corridor. The Growth and Stability and Land Use Maps are attached.

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

The development pattern and intensity for this site was established with the approval of PUD-768 in 2008. PUD-768 is being abandoned in favor of this proposal solely to remove the approximately 1.5 acres site adjacent and to the east of the subject tract. The proposed uses for the new PUD are in keeping with the original intent of PUD-768, eliminating Use Unit 18 – Drive-In Restaurants as a permitted use. On March 2, 2011 the TMAPC found PUD-783 to be in accord with the Plan.

STAFF RECOMMENDATION:

The purpose of major amendment PUD-783-A is to add an approximately .51-acre tract to the southwest corner of the PUD to allow for access between PUD-783 and the Olympia Medical Park/PUD-648 to the west (see Exhibit A). The .51 acre tract is being abandoned from PUD-648 and will be combined with PUD-783 through the platting process. Also appearing on the 8/3/11 agenda of the TMAPC is rezone application Z-7177 seeking to rezone the .51 acre tract from CO to CS to remain consistent with the underlying zoning of PUD-783.

Approved in March 2011, PUD-783 is an approximately 4.4 acre tract located east of the northeast corner of West 71st Street South and US Highway 75 adjacent to the Olympia Medical Park/PUD-648. The site gradually slopes from south to north; with elevations ranging from 740-feet along West 71st Street to approximately 715 to 720-feet along the northern boundary of the site. Associated with major amendment PUD-783-A is major amendment application PUD-684-C seeking to abandon a portion of PUD-648. Major Amendment PUD-648-C also appears on the August 3, 2011 agenda of the TMAPC.

Staff contends that the addition of this "Extension Tract" (see Exhibit B) to PUD-783 is better suited to the stated goals and objectives of the mixed use corridor designation of the tract by the Comprehensive Plan. In acquiring the 78 foot wide Extension Tract and combining it with the QT tract it will allow the Qt building to be placed further to the west thereby greatly improving internal circulation within the site and providing for more direct access from West 71st Street to the parcel to the north. The acquisition of the Extension Tract should also help to minimize impact to West 71st Street by allowing pedestrian and vehicular traffic to flow between the two developments without entering back onto West 71st Street (see Exhibit C).

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-783 to be: (1) in harmony with the existing and expected development of surrounding areas; (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-783-A 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:

The development standards of as established for PUD-783 shall remain applicable, with the additional provision that the required mutual access

easement to be established between PUD-783/PUD-783-A and PUD-648-B/Olympia Medical Park shall include access to the existing drive within Olympia Medical Park/PUD-648-B which adjoins Development Area A of PUD-783/PUD-783-A.

DEVELOPMENT AREA A

Net Land Area: 2.69 acres
117,176 SF

Permitted Uses:
Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 - Shopping Goods and Services and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.08 FAR): 8,000 SF

Minimum Building Setbacks:
From 71st St. ROW: 25'
From west boundary: 11'
From other boundaries: 11'

Maximum Building Height: 40'

Off-street Parking:
As required by the applicable use unit within the Tulsa Zoning Code.

Minimum Landscaped Area: 10% of net lot area

Lighting:
Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjacent residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

Signs:
Signs shall be limited to:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of building wall or canopy to which the sign is affixed.

- (b) One monument style sign not exceeding 25 feet in height and 134 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other development areas. The sign shall be located along the 71st St. frontage and shall not exceed 25 feet in height and 250 square feet of display surface area and will be located no less than 100-feet from any other sign.

DEVELOPMENT AREA B

Net Land Area: 2.24 acres
97,138 SF

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 -Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.48 FAR): 46,682 SF

Minimum Building Setbacks:

From west boundary of the PUD:	11'
From north boundary of the PUD:	11'
From other boundaries of the PUD:	17.5'

Maximum Building Height:

Eighty feet (80') provided that, within 50' of the north boundary line building height shall not exceed 35'

Off-street Parking:

As required by the applicable use unit within the Tulsa Zoning Code

Minimum Landscaped Area:

10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible

to a person standing within an adjacent residential area. No light standard shall exceed 30 feet, provided that within 50 feet of the north boundary line, no light standard shall exceed 15 feet in height.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of building wall to which the sign is affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding eight feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within the project identification sign as permitted at the perimeter entry from 71st Street within Development Area A.

General Provisions for Both Development Areas

Landscaping and Screening

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from 71st Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than ten feet shall be maintained along the 71st Street frontage. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A screening wall or fence not less than six feet in height and a landscaped area of not less than five feet shall be maintained along the north boundary of Development Area B.

Access and Pedestrian Circulation

Access is to be derived from 71st Street and a mutual access easement will be established between Area A and Area B and between Area A and the property adjoining the east boundary of Area A.

Sidewalks will be provided, if not currently existing, along West 71st Street. Additional internal pedestrian circulation for Development Area A, including separate pedestrian walkways connecting the building front to the West 71st Street sidewalks and providing for future access to Development Area B, will be provided and will be subject to detail site plan review.

Internal pedestrian circulation connecting Development Area B to Development Area A will be subject to detail site plan review and approval at the time Area B is developed.

Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot-split application and subject to the further approval of as minor amendment by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area is to be made. Such transfer of floor area shall be subject of a PUD minor amendment and approved by the Tulsa Metropolitan Area Planning Commission.

3. Development may be phased. 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, pedestrian access 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 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.
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. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. 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.
9. If private streets were proposed, the City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and are outlined below.
12. 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.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers 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: The 60' pipeline right of way along the west side of the proposed lot will require documented releases before permits can be issued. The plat for Olympia Medical Park II appears to set up the Emergency Access Easement for the use of Olympia Medical Park and emergency vehicles only. An agreement with the owners would be needed for QT to use it for ingress and egress.

Water: There is an existing 8" waterline that runs along the north side of 71st Street, ensure that any site grading does not lower the 3' min coverage over the waterline. Provide adequate coverage over waterline during construction.

Fire: No comments.

Stormwater: The Extension Tract contains numerous Public and Private Utilities and Easements. Placement of fill material over underground utilities is greatly discouraged. Placement of Signs and Structures in Existing Easements is prohibited unless a license agreement with the City of Tulsa can be obtained. The Tract also includes a portion of Platted Reserve D which was dedicated to the Public for the purpose of permitting the flow, conveyance and discharge of stormwater runoff from and through the existing platted area and for the detention of stormwater. The portion of Reserve D that will become the northern drive must be vacated.

Wastewater: The U/E parallel to the proposed west property line must be extended 0.5' to the property line. This will provide sanitary sewer access for service to the western portion of Lot 1 Block 2. Excess Capacity Fees of \$1,090.00/acre must be paid for the area that is not part of the existing Olympia Plat.

Transportation: Sidewalks required along street frontages

INCOG Transportation:

- **MSHP:** 71st St. S., between S. Elwood Ave and US-75, is designated primary arterial.
- **LRTP:** 71st St. S., between S. Elwood Ave and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **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.

Traffic: No comments.

GIS: No comments.

Street Addressing: House Number(s) listed on property: 809 W 071 ST S. Addressing Atlas Page #(s): 01011,01012

Inspection Services: No comments.

TMAPC COMMENTS:

Ms. Cantrell expressed concerns with the pedestrian circulation. Mr. Sansone stated that the applicant has been informed that when the detail site plan is submitted it will be expected to have pedestrian connectivity between the QuikTrip site and the Olympia Medical Park.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing QuikTrip, stated that Mr. Sansone presented the application very well. Mr. Johnsen explained the reason for the PUD abandonment and rezoning. He indicated that staff recommendations are acceptable to him and requested the Planning Commission to approve it.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the major amendment for PUD-783-A per staff recommendation.

Legal Description for PUD-783-A:

The West 331.94 feet of the North 286 feet of the South 366 feet of the Southeast Quarter of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma according to US Government Survey thereof, And The East 78 feet of Lot 1, Block 2, Olympia Medical Park II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat # 6070 thereof, And The East 78 feet of the South 36 feet of Reserve-D, Olympia Medical Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat # 5567 thereof.

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OTHER BUSINESS:

None.

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Commissioners' Comments

None.

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There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

8-17-2011

Chairman

ATTEST:


Secretary