

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2620

Wednesday, February 15, 2012, 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	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	
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, February 9, 2012 at 3:45 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 Walker called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the Board of County Commission and City Council agendas.

Minutes:

Approval of the minutes of January 18, 2012 Meeting No. 2618

On **MOTION** of **SHIVEL**, the 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 minutes of the meeting of January 18, 2012, Meeting No. 2618.

Minutes:

Approval of the minutes of February 1, 2012 Meeting No. 2619

On **MOTION** of **CARNES**, the 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 minutes of the meeting of February 1, 2012, Meeting No. 2619.

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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-20486** - (Lot-Split) (CD-4), Location: Northwest corner of East 25th Street South and South Columbia Avenue, 2647 East 25th Street
2. **LC-381** - (Lot-Combination) (CD-4), Location: Northeast corner of East 15th Street South and South Delaware Avenue
3. **Rockford Industrial Park – (0331)** (CD 1) Final Plat, Location: 1212 North Rockford, south of Pine Street and west of North Rockford Road
4. **PUD-582-6 – Jerry Hall**, Location: Northeast of the northeast corner of 71st Street South and South Lewis Avenue, Requesting **Minor Amendment** to reduce the required setback for a residential structure from the west boundary from 20 feet to 17.5 feet, **RS-3**, (CD-2)
5. **Z-7140-SP-1a – Tulsa Engineering & Planning/Tim Terral/Hyde Park at Tulsa Hills**, Location: South of southwest corner West 81st Street and South Maybelle Avenue, Requesting a **Corridor Minor Amendment** to increase the permitted height of a perimeter wall from eight feet to 13 feet; to allow a six-foot temporary wood screening fence to be constructed along the north boundary line and the south 345 feet of the east boundary line; and to allow the required access point along the north boundary to be constructed when the property to the north develops, **CO**, (CD-2) (Related to Item 8)
6. **Z-7140-SP-1 – Tulsa Engineering & Planning/Tim Terral/Hyde Park at Tulsa Hills**, Location: South of the southwest corner West 81st Street South and South Maybelle Avenue, Requesting a **Corridor Detail Site Plan** for a subdivision perimeter wall and two emergency access points for the Hyde Park single-family subdivision, **CO**, (CD-2) (Related to 7)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

7. **LS-20489** - (Lot-Split) (County), Location: West of North 129th East Avenue and north of East 176th Street North, 12319 East 176th Street North.
8. **Z-7191** – Plat Waiver, Location: South of southwest corner of East 11th Street and South Vandalia Avenue (CD 4)
9. **Riverfield Country Day School Amended** – Minor Subdivision Plat, Location: 2433 West 61st Street, north of West 61st Street South, west of South Union Avenue (CD 2)
10. **PUD-397-B-1 – Andrew A. Shank/61 MM, LTD**, Location: Southwest corner of East 61st Street and South 91st East Avenue, Requesting a **Minor Amendment**, (CD-7) (Continued from 12/21/2011, 1/18/2012 and 02/01/2012) (Requesting a continuance to 03/21/2012)
11. **Z-7193 – Luke Wright**, Location: Southwest corner of East Admiral Place and North Sandusky Avenue, Requesting rezoning from **CH to IH**, (CD-4) (Continued from 02/01/2012)
12. **Z-7194 – James King**, Location: East of southeast corner East 27th Street and South Harvard Avenue, Requesting from **RS-3 to OL**, (CD-9)
13. **Z-7195/PUD-790 – Kevin Coutant/Legend Senior Properties, LLC**, Location: East of northeast corner of West 71st Street and South Olympia Avenue, Requesting from **AG to RM-2/PUD**, to permit the construction of a smaller scale assisted living and memory care facility with a maximum of 80,000 square feet of floor area including a maximum of 120 dwelling units, (CD-2)

OTHER BUSINESS

14. **Commissioners' Comments**

ADJOURN

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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-20486** - (Lot-Split) (CD-4), Location: Northwest corner of East 25th Street South and South Columbia Avenue, 2647 East 25th Street
4. **LC-381** - (Lot-Combination) (CD-4), Location: Northeast corner of East 15th Street South and South Delaware Avenue
5. **Rockford Industrial Park – (0331)** (CD 1) Final Plat, Location: 1212 North Rockford, south of Pine Street and west of North Rockford Road

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 19.48 acres.

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

6. **PUD-582-6 – Jerry Hall**, Location: Northeast of the northeast corner of 71st Street South and South Lewis Avenue, Requesting **Minor Amendment** to reduce the required setback for a residential structure from the west boundary from 20 feet to 17.5 feet, **RS-3**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required setback for a residential structure from the west boundary of the PUD from 20 feet to 17.5 feet per the attached Exhibit A.

Section 1107.H.9 of the code allows the TMAPC to grant changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.

Please refer to Exhibit B which is an outline of the minor amendments that have been granted within PUD-582. All the approved amendments are reductions of setback requirements. Each lot along the west boundary of the PUD (Lots 8, 9, 10, and 11), with the exception of the lot which is the subject of this application, has had the setback from the west boundary reduced to 17.5 feet.

The property immediately adjacent to the subject tract is a vacant, land-locked parcel zoned RS-1 which is unlikely to develop residentially unless combined with a lot that has frontage on a street.

Staff contends the 2.5 foot reduction in setback will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development. Therefore staff recommends **APPROVAL** of minor amendment PUD-582-6.

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

7. **Z-7140-SP-1a – Tulsa Engineering & Planning/Tim Terral/Hyde Park at Tulsa Hills**, Location: South of southwest corner West 81st Street and South Maybelle Avenue, Requesting a **Corridor Minor Amendment** to increase the permitted height of a perimeter wall from eight feet to 13 feet; to allow a six-foot temporary wood screening fence to be constructed along the north boundary line and the south 345 feet of the east boundary line; and to allow the required access point along the north boundary to be constructed when the property to the north develops, **CO**, (CD-2) (Related to Item 8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted height of a perimeter wall from 8 feet to 13 feet; to allow a 6 foot temporary wood screening fence to be constructed along the north boundary line and the south 345 feet of the east boundary line; and to allow the required access point along the north boundary to be constructed when the property to the north develops.

Section 805.G of the Zoning Code allows the TMAPC to authorize minor changes in a corridor development plans so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Chapter 8 of the Code.

Please refer to the attached sheet 1 of 7. The applicant is seeking an increase in the permitted height of the subdivision perimeter wall from 8 feet to 13 feet, “in areas where topography dictates”. This is mainly at the southwest corner of the site where there are topographic challenges. The height increase is not being sought for the entirety of the west boundary. The wall at its lowest point will be 6’ 6” and at its highest would be 13 feet. Since the wall is immediately adjacent to the I-75 right-of-way (ROW) line, staff contends this will not have a significant impact on adjacent or surrounding properties or the approved development plan.

The applicant is also requesting permission to install a temporary 6 foot wood screening fence along the north boundary and the south 345 feet of the east boundary line. If approved, the action would also delay the construction of the northwestern access point between Hyde Park and "The Walk" at Tulsa Hills, the approved Corridor Development to the north. The northwest access point is limited to pedestrian and golf-cart access. The access point would be constructed at the same time The Walk develops.

Approval of the Corridor District Plan for The Walk did not include a screening provision because of the Hyde Park screening requirement on the boundary line in common with The Walk. At the time of the approval of The Walk, the TMAPC agreed that a shared wall is better than requiring one screening fence within a few feet of another, possibly creating maintenance difficulties. At the time of the development of The Walk, the temporary 6 foot wood screening fence would be removed and the permanent screening wall and access point erected.

The construction of the wood and masonry screening fence along the south 345 feet of the east boundary line would commence simultaneously with Phase II construction of the southern portion of the development. The required masonry and wood screening wall along the south boundary will be erected at this time.

Staff contends the above requests do not substantially alter the approved Corridor Development Plan. The applicant is not seeking the modification of the type of required screening wall or a waiver of any screening requirement. Therefore staff recommends **APPROVAL** of minor amendment Z-7140-SP-1a

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

8. **Z-7140-SP-1 – Tulsa Engineering & Planning/Tim Terral/Hyde Park at Tulsa Hills**, Location: South of the southwest corner West 81st Street South and South Maybelle Avenue, Requesting a **Corridor Detail Site Plan** for a subdivision perimeter wall and two emergency access points for the Hyde Park single-family subdivision, **CO**, (CD-2) (Related to 7)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a subdivision perimeter wall and two emergency access points for the Hyde Park single-family subdivision located south of the southwest corner of West 81st Street South and South Maybelle Avenue.

Associated with this detail site plan is Corridor District Minor Amendment Z-7140-SP-1a also appearing on the February 15, 2012 agenda of the TMAPC. Approval of this detail site plan is contingent upon the approval of the aforementioned minor amendment request.

Pending the approval of Minor Amendment Z-7140-SP-1a, the submitted site plan meets all applicable location and height requirements. Two emergency access points will be constructed; one at the end of South Phoenix Avenue near the southwest corner of the property and one along Maybelle Avenue at the northeast corner of the site. The emergency access gates have been approved by the City of Tulsa Traffic Engineer and City of Tulsa Fire Marshall. Upon the development of the property to the north and the development of Phase II of Hyde Park the permanent screening walls and access will be constructed along the north boundary line and the south 345 feet of the east boundary line.

Staff recommends **APPROVAL** of the detail site plan for the perimeter walls and emergency access gates for Hyde Park, corridor district approval number Z-7140-SP-1.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

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 consent agenda Items 3 through 8 per staff recommendation.

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PUBLIC HEARING

9. **LS-20489** - (Lot-Split) (County), Location: West of North 129th East Avenue and north of East 176th Street North, 12319 East 176th Street North.

STAFF RECOMMENDATION:

The Lot-split proposal is to split an existing AG (Agricultural) tract into two tracts. Both tracts will exceed the Bulk and Area Requirements of the Tulsa County Zoning Code.

One of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract has more than three side lot lines.

The Technical Advisory Committee expressed on concerns at the February 2, 2012 meeting. The County Engineer is requiring a 50' easement along the South boundary of the original tract of land. The County Engineer has no problems with the Lot-Split and is in favor of the application.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

Applicant indicated his agreement with the staff recommendation.

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 waiver of Subdivision Regulations and the lot-split for LS-20489 per staff recommendation.

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10. **Z-7191** – Plat Waiver, Location: South of southwest corner of East 11th Street and South Vandalia Avenue (CD 4)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to CS.

Staff provides the following information from TAC at their June 16, 2011 meeting:

ZONING:

TMAPC Staff: The property has been previously platted for the same use.

STREETS:

Apache is a Secondary Arterial which requires 50 feet of right-of-way from centerline of street. Currently only 40 feet of right-of-way is available. Additional 10 feet of right-of-way dedication is required along Apache.

SEWER:

No comments.

WATER:

No comments.

STORMWATER:

No comments.

FIRE:

No comments.

UTILITIES:

No comments.

Staff recommends **APPROVAL** of the plat waiver for the previously platted site.

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

Applicant indicated his agreement with the staff recommendation.

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 plat waiver for Z-7191 per staff recommendation.

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11. **Riverfield Country Day School Amended –** Minor Subdivision Plat,
Location: 2433 West 61st Street, north of West 61st Street South, west of
South Union Avenue (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 29.581 acres.

The following issues were discussed February 2, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural), PUD 375 B/E.
2. **Streets:** This is a Lot 1, Block 1, subdivision, what is the mutual access easement for? Why does it end within the lot itself? Remove section on mutual access easement if none is provided on the face of plat.
3. **Sewer:** If the existing 17.5 foot gas easement along the north boundary line is to be restricted to gas use, then we will require an additional 17.5 foot utility easement adjacent to the gas easement, so that utilities will have the ability to cross from one side of the plat to the other. The plans show the northernmost existing sanitary sewer line to be located outside of the sanitary sewer easement. If the plans are correct, then an additional 15 foot wide sanitary sewer easement must be provided, with the existing pipe centered within the easement.
4. **Water:** No comment.

5. **Storm Drainage:** Overland drainage easement should not cross the mutual access or roadway easement, nor should that drainage be allowed to overflow the roadway on school property. Storm sewer easements are required for outlet pipes between a stormwater detention easement, and separate stormwater detention easements, and overland drainage easements which are separated by driving surfaces where offsite overland drainage is not allowed to surface flow across the site. Storm sewer pipes are not allowed to cross electrical or sanitary sewer easements without being in a storm sewer easement. The north and south boundaries of the stormwater detention easement, located immediately north of the 15 foot sanitary sewer easement, must be clearly defined by leaders to them from the easement label, and must include their distances and bearings. Remove the overland drainage easements from within the limits of east stormwater detention easement, and all mutual access easements. Please label the FEMA floodplain boundaries as "Limits of Mooser Creek FEMA Zone AE floodplain, per contours". See covenant and conceptual comments that apply to the face of plat. Use current City of Tulsa standard covenant language (verbatim) for Section I. Subsections C, I, J, and K. The current standard language has been attached, and modified current standard language has been attached for the subsection to be added. Add all easements and the new limits of the Mooser Creek FEMA floodplain. All stormwater detention facilities, overland drainage ways, and storm sewer pipes which receive public drainage from areas outside of the area being platted become part of the public drainage system, and all inlets, manholes outlet pipes, and inflow pipes are public, and must be placed in the appropriate easements if additional submittals are required.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters approved.
7. **Other: Fire:** Provide fire hydrant by parking lot where fire department access is being added for new building.

GIS: In the legal description add a less and except statement for the "50 foot right-of-way dedication by this plat" shown on the face of the plat.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Release letters have been received for the Minor Subdivision plat.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant indicated his agreement with the staff recommendation.

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 minor subdivision plat for Riverfield Country Day School Amended per staff recommendation, subject to special conditions and standard conditions.

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12. **PUD-397-B-1 – Andrew A. Shank/61 MM, LTD**, Location: Southwest corner of East 61st Street and South 91st East Avenue, Requesting a **Minor Amendment**, (CD-7) (Continued from 12/21/2011, 1/18/2012 and 02/01/2012) (Requesting a continuance to 04/04/2012)

STAFF RECOMMENDATION:

Mr. Sansone explained that this application cannot be heard until BOA takes action. The applicant is requesting a continuance to April 4, 2012.

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** the minor amendment for PUD-397-B-1 to April 4, 2012.

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13. **Z-7193 – Luke Wright**, Location: Southwest corner of East Admiral Place and North Sandusky Avenue, Requesting rezoning from **CH to IH**, (CD-4) (Continued from 02/01/2012)

Applicant's Comments:

Luke Wright, 4170 East Admiral Place, 74115, stated that he would withdraw this application.

WITHDRAWN.

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14. **Z-7194 – James King**, Location: East of southeast corner East 27th Street and South Harvard Avenue, Requesting from **RS-3 to OL**, (CD-9)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

Z-7145 January 2010: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a small office on property located east of northeast corner of South Harvard Avenue and East 27th Street.

Z-6925 February 2004: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a beauty shop on property located east of the southeast corner of East 27th Place South and South Harvard Avenue.

PUD-621 November 1999: All concurred in approval of a proposed Planned Unit Development on a 2.5± acre tract of land for office and commercial development on property located on the southeast corner of East 27th Street South and South Harvard Avenue and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .34± acres in size and is located east of the southeast corner of East 27th Street and South Harvard Avenue. The property is vacant and is zoned RS-3. It is somewhat hilly with some trees. The site formerly had houses on it that the applicant purchased and cleared.

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by a renovated single-family unit (now vacant, and the applicant indicates it may have been intended to be used for an office at one time) and single-family residential uses, zoned RS-3; on the south by a parking lot, zoned PK and PUD-621; and on the west by an office supply business, zoned OL, CH and PUD-621. A site visit indicated that other former single-family home sites nearby have been converted into office uses, forming a transitional buffer between existing commercial uses and residential uses to the east. (On a historic note, the office supply store was formerly occupied by the Harvard Club restaurant with a Volkswagen dealership and a shoe store on the north.)

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard Avenue as a Secondary Arterial and a Multi-Modal Corridor. Such corridors, according to the Plan, are intended to accommodate vehicular transportation (automobile, bus, other types of transit, and bicycle) as well as pedestrian. This portion of South Harvard Avenue is heavily traveled and East 27th Street, on the north side of the property, is a one-way eastbound street leading to an expressway on-ramp.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 27th Street	N/A	N/A	2 (one-way)
South Harvard Avenue	Secondary arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this area as a Mixed-Use Corridor. These are Tulsa’s thoroughfares that combine high capacity transportation facilities with housing, commercial and employment uses (page LU 32). It is anticipated that off the main traffic routes, uses would be stepped down in intensity as they approached residential uses. The major traffic ways (in this case Harvard) usually have four or more travel lanes. East 27th Street and East 27th Place have two lanes each. The Plan envisions that pedestrian transportation would be accommodated by a sidewalk system that separates the vehicular from the pedestrians and provides a buffer from the roadway. The applicant has indicated his willingness to install sidewalks on his property. Parking is generally to be located behind or beside the main use structure. The Plan also designates this as an Area of Growth. Growth Areas are designated as places in which the City has determined that investments should be made in infrastructure and other

public improvements to encourage growth and development. The requested OL zoning **is in accord with** the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, trends and uses in the area, staff can support the requested OL zoning. The proposed office use(s) would provide a buffer and they will have to screen against the adjacent residential uses, thus providing more protection. However, as the Plan indicates, this is a Growth Area and East 27th Street/expressway is heavily traveled. More of this type of zoning may continue in the area. Therefore, staff recommends **APPROVAL** of OL for Z-7194.

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 recommend **APPROVAL** of the OL zoning for Z-7194 per staff recommendation.

Legal Description for Z-7194:

Lots 5 and 6, Block 8, Kirkmoore Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

- 15. **Z-7195/PUD-790 – Kevin Coutant/Legend Senior Properties, LLC**, Location: East of northeast corner of West 71st Street and South Olympia Avenue, Requesting from **AG to RM-2/PUD**, to permit the construction of a smaller scale assisted living and memory care facility with a maximum of 80,000 square feet of floor area including a maximum of 120 dwelling units, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-783-A September 2011: All concurred in approval of a Major Amendment to PUD-783 on a 2.69± acre tract of land to add to Development Area A and to allow for access between PUD-783 and

Olympia Medical Park/PUD-648 to the west, on property located east of the northeast corner of Highway 75 South 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.

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-7052/PUD-738 May 2007: All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development on property located at the southwest corner of West 71st Street South and South Elwood Avenue.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

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 4± acres in size and is located east of northeast corner of West 71st Street and South Olympia Avenue. The property appears to be vacant, wooded, hilly and is zoned AG.

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 West 71st Street and then the Tulsa Hills Regional Shopping Center, zoned CO. Three RS-3 zoned lots are adjacent to the east of Tulsa Hills, at least one of which appears to be used commercially (see photos below and attached). The property is bordered on the west by CS

zoned property/abandoned PUD-768 containing a vacant residential structure.

UTILITIES: The subject tract will have municipal water and sewer available extended from the Olympia Medical Building.

TRANSPORTATION VISION:

The Comprehensive Plan designates West 71st Street as a Commuter Corridor, envisioned as a major route to transport people to work, school or shopping. It is intended to accommodate the various modes of transportation (automobile, bus, bicycle and pedestrian). The Plan designates this as a major east-west route through south Tulsa. The route also contains the major bridge across the Arkansas River for south Tulsa.

TULSA METROPOLITAN AREA MAJOR STREET AND HIGHWAY PLAN:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71st Street	Primary arterial up to US 75	120'	4 plus center turning lane

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this area as an “Area of Growth” with a land use designation of “Mixed Use Corridor”.

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 exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop. As evidenced by the above-referenced zoning cases in recent years, this area has indeed seen much development.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly

visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

Staff contends the proposed development **is in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION FOR ZONING:

The proposed rezoning to RM-2/PUD is in keeping with the zoning to the west, namely the Olympia Medical Office Park facility and the commercial facilities between that and the subject property. As noted previously, much of this area is newly-developed since the utilities have been made available. The applicant has indicated that they will extend them from the west. Based on the Comprehensive Plan, recent development, rezoning in the area and infrastructure improvements, staff recommends **APPROVAL** of RM-2 zoning.

STAFF RECOMMENDATION FOR PUD:

The purpose of PUD-790 is to permit the construction of a smaller-scale assisted living and memory care facility with a maximum of 80,000 square feet (SF) of floor area including a maximum of 120 dwelling units. The facility is proposed at two-stories tall, not to exceed 55-feet in height.

The site sits approximately 1,750 feet east of the West 71st Street on-ramp to northbound Interstate 75 on the north side of West 71st Street South. Located across the street from the Tulsa Hills Regional Shopping Center, the site is currently vacant, moderately to heavily wooded, and slopes gradually downhill from west to the east. The low elevation of 700' is found near the southeast corner of the site with a high point of 720' near the west central portion of the site. The project site topography is shown on Exhibit G.

Located one lot to the east of the recently approved PUD-783 (approved for a QuikTrip store and hotel/office uses) along this mixed-use corridor, the 400 foot by 400 foot lot has been parceled off the surrounding vacant AG zoned land via lot-split application LS-20488, which was approved by the TMAPC on February 1, 2012. Recent development in the area includes the Tulsa Hills Regional Shopping Center and the Olympia Medical Park.

Please refer to Exhibit D. After pre-development discussions with City Planning and the TMAPC staff and in keeping with the goals of the Comprehensive Plan, the developer has designed the site in such a manner that pushes the building closer to the road and placed a majority of the parking to the side of the facility. Given the nature of the clientele, locating the building adjacent to the West 71st Street right-of-way line

(ROW) with no buffer from the street presented considerable safety concerns. Two rows of parking will be located in front of the building with a direct pedestrian connection from the front of the building to the sidewalk along West 71st Street provided for capable clientele and visitors who wish to walk the area to utilize surrounding facilities. Vehicular access to the site is proposed from two points on West 71st Street.

The PUD is submitted to establish a conceptual site plan with delineation of the development area, allocation of uses, intensity of those uses, establish development standards as well as, conditions to be followed by PUD detail site plan review for development to be submitted to and approved by the TMAPC. The concept plan including the bulk and area requirements, design standards and limitations meet Zoning Code regulations as established by Chapter 11 and can be reviewed in the text below and attached Exhibit D. The PUD will be platted as a single lot and single block subdivision.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-790 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.

Staff recommends **APPROVAL** of PUD-790 subject to the following conditions:

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

Development Standards:

Gross Land Area:	163,996 SF	3.765 Acres
Net Land Area:	141,048 SF	3.238 Acres

Permitted Uses: Assisted Living Facility and Life Care Retirement Center within Use Unit 8 – Multi-family and Similar Uses.

Maximum Permitted Floor Area: 80,000 SF / 120 Dwelling Units

Maximum Building Height:* 55' not to exceed 2 stories

Minimum Livability per DU/Landscape Space:
40,000 SF / 333 SF per DU

**Architectural features such as parapets, balconies, and awnings shall be permitted to exceed maximum height and extend into the required setback by five feet, with detail site plan approval.*

Minimum Off-Street Parking Spaces:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Building Setback Requirements:*

From 71st Street South Centerline:	95'
From West Property Line of PUD:	10'
From North Property Line of PUD:	10'
From East Property Line of PUD:	10'

**Floors above the first floor and architectural features such as parapets, balconies, awnings, signage and architectural features shall be permitted to exceed maximum height and extend into the required setback by five feet, with detail site plan approval.*

Signs

Signs shall be limited to:

- a) One monument sign not exceeding eight feet in height and 64 square feet of display surface area shall be permitted along the West 71st Street frontage.

Any illumination of signs and buildings shall be by constant light; flashing; travelling, animated or intermittent lighting shall not be permitted on the exterior of any building, whether such lighting is temporary or permanent.

Outdoor advertising signs, roof signs, and any kind of animation and signs painted on the exterior walls of buildings shall be prohibited. No digital, flashing, scrolling, travelling, animated or intermittent lighting shall be on the exterior of any building whether such light is temporary or long-term duration. Portable or wheeled signs and advertising located outside any buildings shall not be permitted.

Site Lighting

Lighting shall be arranged so as to shield and direct the light away from surrounding residential areas. Pole mounted lighting shall not exceed 25 feet in height as measured from adjacent ground level. For purposes of measurement, ground level shall be considered the adjacent paved surface, if applicable.

All light standards, including building mounted, shall be hooded and directed downward and away from adjacent residential boundaries.

Consideration of topography must be included in the calculations. Verification of lighting requirements shall be through the submittal of a photometric plan and manufacturer's cut-sheets for all light fixtures showing full cut-off capability.

Access and Circulation

The site will have two primary points of ingress and egress from 71st Street South. Sidewalks will be provided, if not currently existing, along 71st Street South with direct pedestrian connection provided from the front of the building to the West 71st Street Sidewalk. Additional internal pedestrian circulation will be provided subject to detail site plan review. Conceptual Site and Circulation Plan for the site is shown on Exhibit D. Per TAC recommendation, the developer will investigate the potential for mutual access easement with property to west to allow for better access to the site for traffic coming from the west.

Trash, Mechanical and Equipment Area Screening

All trash, recycling, 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 at the perimeter of the property.

3. No Zoning Clearance Permit shall be issued until a PUD Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. Submittal of a detail site plan shall include plans for site drainage which addresses drainage onto the site, includes stormwater detention plans and addresses the floodplain as recommended by the TAC.
5. No zoning clearance permit shall be issued until the completion of an FAA 7460 Air Study as requested by the Airport Authority during TAC review.
6. A Detail Landscape Plan for any lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for 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.
7. No sign permits shall be issued 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.

8. The Department 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. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: The Narrative must include a Site Drainage Section, which addresses drainage onto and on this area, and includes information about the Stormwater Detention and the Floodplain.

Wastewater: A sanitary sewer mainline extension is required to provide sanitary sewer service to the PUD area. Before the Lot Split for the PUD area can be approved, the Engineer must get approval from Engineering Wastewater Design, and from Engineering Storm Water Design, for an aerial crossing of the creek channel with the proposed sanitary sewer pipe.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** 71st Street between Union Avenue and Elwood Avenue is a designated Primary Arterial. The Tulsa Comprehensive Plan street designation is Commuter Street.
- **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. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comment
- **Transit:** Currently, Tulsa Transit operates an existing route on 71st St. S. 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: Investigate potential for mutual access easement with property to west to allow for better access to the site for traffic coming from the west.

GIS: No comments.

Street Addressing: No comments.

Inspection Services: No comments.

County Engineer:

Airport: Requests FAA 7460 Air Study.

TMAPC COMMENTS:

Ms. Cantrell complimented staff on their report.

Applicant's Comments:

Kevin Coutant, 2 W 2nd Street, Ste 700, 74103, summarized the proposal as presented by staff.

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 recommend **APPROVAL** of the RM-2 zoning for Z-7195 and PUD-790 per staff recommendation.

Legal Description for Z-7195/PUD-790:

A tract of land situated in the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to United States Government Survey thereof. Commencing at the Southeast corner of said Section 2, thence S 89°09'03" W and along the South line of the Southeast Quarter (SE/4) of said Section 2 a distance of 2127.37 feet; thence N 01°14'53" W a distance of 80.00 feet to the Point of Beginning; thence continuing N 01°14'53" W a distance of 400.00 feet; thence N 89°09'03" E a distance 410.00 feet; thence S 01°14'53" E a distance of 400.00 feet; thence S 89°09'03" W a distance 410.00 feet to the Point of Beginning. Said tracts containing 163995.783 Sq. feet or 3.765 Acres. Basis of bearing for said tract is S 89°09'03" W along the South line of the Southeast Quarter (SE/4) of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to United States Government Survey thereof.

TMAPC Comments:

Mr. Shivel complimented staff on their presentation and report for the subject application.

OTHER BUSINESS:

Commissioners' Comments

None.

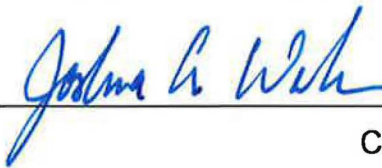
TMAPC Action; 10 members present:

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 **ADJOURN** TMAPC meeting No. 2620, February 15, 2012.

There being no further business, the Chair declared the meeting adjourned at 1:55 p.m.

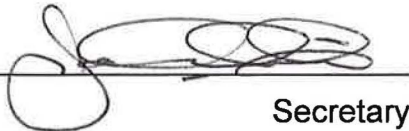
Date Approved:

3-7-12



Chairman

ATTEST:


Secretary