

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2629

Wednesday, July 11, 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
Covey	Carnes	Bates	Edmiston, Legal
Dix	Stirling	Fernandez	Steele, Sr. Eng.
Edwards		Huntsinger	VanValkenburgh, Legal
Leighty		Wilkerson	Warlick, COT
Liotta		Back	Warrick, COT
Midget			
Perkins			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 6, 2012 at 2:03 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.

Minutes:

Approval of the minutes of June 6, 2012 Meeting No. 2012

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Walker “aye”; no “nays”; none “abstaining”; Carnes, Midget, Stirling “absent”) to **APPROVE** the minutes of the meeting of June 6, 2012, Meeting No. 2012.

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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.

2. **LC-411** (Lot-Combination) (CD-8), Location: South of southwest corner of 101st Street South and South Sheridan Road
3. **LS-20527** (Lot-Split) (County), Location: Northeast corner of North 137th East Avenue and East 156th Street North
4. **LS-20528** (Lot-Split) (CD-9), Location: North of the southwest corner of South Rockford Avenue and East 55th Place South (Related to LC-412)
5. **LC-412** (Lot-Combination) (CD-9), Location: North of the southwest corner of South Rockford Avenue and East 55th Place South (Related to LS-20528)
6. **PUD-789-A – Tanner Consulting**, Location: East of the southeast corner of the intersection of East 37th Street South and South Peoria, Requesting a **Detail Site Plan** for a surface parking lot behind KJRH, **PK/PUD-789-A**, (CD-9)
7. **Z-5537-SP-1 – Wallace Engineering/Jim Beach**, Location: South and west of the southwest corner of East 78th Street South and South Garnett Road, Requesting a **Minor Amendment** to reduce the building setback line from 315 feet to 200 feet as allowed by standard Corridor Zoning Guidelines in the City of Tulsa Zoning Code, CO, (CD-7) (Related to Item 8)
8. **Z-5537-SP-1g – Wallace Engineering/Union Public Schools**, Location: South and West of the southwest corner of East 78th Street South at South Garnett Road, Requesting **Detail Site Plan** for construction of a new tennis facility on its ninth grade center, **CO**, (CD-7) (Related to Item 7)
9. **PUD-431-C – Tanner Consulting/Paramount Real Estate Holdings, LLC**, Location: Southwest of the intersection of East 101st Street South at South Sheridan Road, Requesting **Detail Site Plan** for one office building covering Lots 7 and 8, **CS/RM-1/PUD-431-C**, (CD-8)
10. **AC-114 – HRAOK, Inc.**, Location: Northwest corner of South Olympia at West 81st Street South, Requesting a **Landscape Alternative Compliance Plan** for a new Kum-n-Go at the northwest corner of West 81st Street South and South Olympia, **CO** (CD-2)

11. **AC-115 – HRAOK, Inc.**, Location: Southwest corner of I-44 at Yale Avenue, Requesting a **Landscaping Alternative Compliance Plan** for a new Kum-N-Go store facing South Yale Avenue on the south side of East Skelly Drive, **CO**, (CD-9) (Related to Item 12)
12. **PUD-766-3 – HRAOK, Inc.**, Location: Southwest corner of I-44 at Yale Avenue, Requesting a **Detail Site Plan** for a new Convenience Goods and Services Store (Kum-N-Go), **CO**, (CD-9) (Related to Item 11)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

13. **Triple S Addition-** Minor Subdivision Plat, Location: Southeast corner of North Lewis Avenue and East Pine Street (0332) (CD 3) (Continued from 6/20/12) (**Applicant requests continuance to July 25, 2012 for further revision to plat.**)
14. **Jenks West 3rd and 4th Grade Center Addition –** Final Plat, Location: North of West 91st Street, East of U.S. 75 (CD 2)
15. **PUD-559-2/Z-5888-SP-1b – Sack & Associates/Eric Sack/Davis Apartments**, Location: Northeast corner of South Mingo Road and East 88th Street South, Requesting **Detail Site Plan** for a 289-unit, two- and three-story apartment complex, **CO** (CD-7) (Continued from 5/16/12 and 6/20/12)
16. **Z-7206 – Robert Winchester,** Location: South of southwest corner of East 31st Street South and South Louisville Avenue, Requesting rezoning from **RS-3/OL to OL/CS**, (CD-9)
17. **Z-7207 – Roy D. Johnsen/I-244 Admiral Land, LLC,** Location: East of the southeast corner Admiral Place and I-44, Requesting rezoning from **CG to IL**, (CD-6)
18. **Z-7208 – Lou Reynolds/The William K. Warren Medical Research Center, Inc.**, Location: Southeast corner of East 68th Street and South Yale Avenue, Requesting rezoning from **OM to CS**, (CD-8)
19. **PUD-528-A – Jack Bubenik/City of Tulsa Parks,** Location: Southwest corner of South Yale Avenue and East 121st Street, Requesting a **Major Amendment** to abandon PUD-528 to allow for a public park use, from **RS-2/CS/PUD-528 TO RS-2/CS/PUD-528-A**, (CD-8) (Related to Item 20)

20. **PUD-528-A – Jack Bubenik/City of Tulsa Parks**, Plat Waiver, Location: Southwest corner of South Yale Avenue and East 121st Street, **RS-2/CS/PUD-528 TO RS-2/CS/PUD-528-A**, (CD-8) (Related to Item 19)

OTHER BUSINESS

21. **Review and discuss the Tulsa Preservation Commission Design Guidelines Updates for Residential Structures and Non-Residential and Mixed-Use Structures within Historic Preservation Overlay Zoning Districts**
22. **The Planning Commission (PC) will make a determination and direct PC staff and City of Tulsa Planning Staff of what steps to take next regarding the Form-Based Code.**
23. **Commissioners' Comments**

ADJOURN

CD = Council District

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MINUTES:

Mr. Midget in at 1:31 p.m.

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

CONSENT AGENDA

2. **LC-411** (Lot-Combination) (CD-8), Location: South of southwest corner of 101st Street South and South Sheridan Road
3. **LS-20527** (Lot-Split) (County), Location: Northeast corner of North 137th East Avenue and East 156th Street North
4. **LS-20528** (Lot-Split) (CD-9), Location: North of the southwest corner of South Rockford Avenue and East 55th Place South (Related to LC-412)
5. **LC-412** (Lot-Combination) (CD-9), Location: North of the southwest corner of South Rockford Avenue and East 55th Place South (Related to LS-20528)

6. **PUD-789-A – Tanner Consulting**, Location: East of the southeast corner of the intersection of East 37th Street South and South Peoria, Requesting a **Detail Site Plan** for a surface parking lot behind KJRH, **PK/PUD-789-A**, (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a surface parking lot behind KJRH near East 37th Street South east of Peoria. The proposed use, Use Unit 10, is a permitted use in PUD-370-B.

The submitted site plan meets all applicable screening and setback considerations. Vehicular access to the site will be provided from adjacent parking areas owned by KJRH and will be gated providing a secure parking area which will not be used by the general public. Landscaping, fencing and lighting will be provided as defined by the PUD and Landscape Chapters of the Zoning Code of the City of Tulsa. Lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said residential district. No trash enclosures will be permitted in this parking area. Sidewalks will be provided along East 37th Street and East 37th Place South as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-789-A as shown on the applicants plan.

Note: Detail site plan approval does not constitute landscape and sign plan approval.

8. **Z-5537-SP-1g – Wallace Engineering/Union Public Schools**, Location: South and West of the southwest corner of East 78th Street South at South Garnett Road, Requesting **Detail Site Plan** for construction of a new tennis facility on its ninth grade center, **CO**, (CD-7) (Related to Item 7)

STAFF RECOMMENDATION:

The applicant is requesting approval for a minor revision to Corridor Site Plan Z-5527 for construction of a new tennis facility on its 9th grade center located at 7616 S. Garnett Road.

The proposed tennis facilities, Use Unit 5-Community Services and Similar Uses, are permitted by right within this approved Corridor District. The facility, as shown on the provided site plan, meets all applicable building floor area, open space, building height and setback limitations. Existing parking meets the minimum requirements of the applicable Use Unit of the Zoning Code. No additional landscaping is required by the Tulsa Zoning Code.

Site lighting for the two center courts is directed down and away from adjoining properties. No other site lighting is proposed.

Staff recommends **APPROVAL** of the detail site plan for Z-5537-SP-1g

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

9. **PUD-431-C – Tanner Consulting/Paramount Real Estate Holdings, LLC**, Location: Southwest of the intersection of East 101st Street South at South Sheridan Road, Requesting **Detail Site Plan** for one office building covering Lots 7 and 8, **CS/RM-1/PUD-431-C**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for one office building covering Lots 7 and 8. The proposed use, Use Unit 11, is a permitted use by right in PUD-431-C.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Vehicular access to the site will be provided from East 102nd Street South and an unnamed north south street, both of which are private streets. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Zoning Code. Landscaping will be provided per the PUD and Landscape Chapters of the Zoning Code.

All site lighting, including building mounted lighting, will be limited to 20 feet in height and shall be hooded and directed downward and away from the boundaries of the Planned Unit Development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas.

A trash enclosure is not provided. Trash will be a residential style trash service and stored inside the building unless on trash day. Should that service not be available a trash 6' enclosure will be provided as required by the PUD. Sidewalks will be provided along East 102nd Street (Private).

Distinct pedestrian access is provided from the sidewalk along 102nd Street along sidewalks provided to the building in two locations.

Staff recommends **APPROVAL** of the detail site plan for PUD 431-C as noted above.

Note: Detail site plan approval does not constitute landscape and sign plan approval.

10. **AC-114 – HRAOK, Inc.**, Location: Northwest corner of South Olympia at West 81st Street South, Requesting a **Landscape Alternative Compliance Plan** for a new Kum-n-Go at the northwest corner of West 81st Street South and South Olympia, **CO** (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a new Kum-N-Go at the northwest corner of West 81st Street South and South Olympia. The new store will face west 81st Street.

Staff Recommendation:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code. Eleven parking spaces located near the front and east entry of the new store will not be within 50 feet of a required landscaped area. The required landscape area is 30 square feet requiring one tree as outlined by Section 1002.B.1 of the Tulsa Zoning Code.

This basis of this request is similar to many convenience stores that have a large canopy and gas dispensing systems between the building and the front property line. The applicant has proposed to provide 16 additional trees to the site above the minimum required for the parking to tree ratio. The trees are placed in groupings around the site in larger landscaped areas providing more meaningful green space and a healthier environment for the trees to thrive.

The site meets or exceeds the minimum standards outlined in Chapter 10 of the Zoning Code in all other areas.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-114

Note: Minor amendment approval does not constitute sign plan approval.

11. **AC-115 – HRAOK, Inc.**, Location: Southwest corner of I-44 at Yale Avenue, Requesting a **Landscaping Alternative Compliance Plan** for a new Kum-N-Go store facing South Yale Avenue on the south side of East Skelly Drive, **CO**, (CD-9) (Related to Item 12)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a new Kum-N-Go store facing South Yale Avenue on the South Side of East Skelly Drive.

Staff Recommendation:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code. Five parking spaces located in front of the new store will not be within 50 feet of a required landscaped area. The required area is 30 square feet requiring one tree as outlined by Section 1002.B.1 of the Code.

This basis of this request is similar to many convenience stores that have a large canopy and gas dispensing systems between the building and the front property line. The applicant has proposed to provide eight additional trees to the site above the minimum required for the parking to tree ratio. The trees are placed in groupings around the site in larger landscaped areas providing more meaningful green space and a healthier environment for the trees to thrive.

The site meets or exceeds the minimum standards outlined in Chapter 10 of the Zoning Code in all other areas.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “ be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-115

Note: Minor amendment approval does not constitute sign plan approval.

12. **PUD-766-3 – HRAOK, Inc.**, Location: Southwest corner of I-44 at Yale Avenue, Requesting a **Detail Site Plan** for a new Convenience Goods and Services Store (Kum-N-Go), **CO**, (CD-9) (Related to Item 11)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new Convenience Goods and Services Store (Kum-N-Go) located in the northeast corner of PUD-766-3. The proposed use, Convenience Goods and Services (Use Unit 13), is a permissible use within this Planned Unit Development.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. All site lighting is below the 35-foot height limitation and is directed down and away from adjoining properties. A trash enclosure has been provided as required by the Planned Unit Development. Sidewalks have been provided along South Yale Avenue and as required by current Subdivision regulations.

Landscape area does not meet the minimum standards outlined in Section 1002 of the Tulsa Zoning Code. An alternative compliance landscape plan

has been provided to eliminate a 30 square foot planting area in front of the store.

Therefore, staff recommends **APPROVAL** of the detail site plan for Kum-N-Go in part of PUD-766-3 with the condition that the alternative compliance landscape plan (AC-115) is approved prior to the site plan approval.

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

TMAPC COMMENTS:

Mr. Leighty requested to remove Item 7 from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** the consent agenda Items 2 through 6 and Items 8 through 12 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

7. **Z-5537-SP-1 – Wallace Engineering/Jim Beach**, Location: South and west of the southwest corner of East 78th Street South and South Garnett Road, Requesting a **Minor Amendment** to reduce the building setback line from 315 feet to 200 feet as allowed by standard Corridor Zoning Guidelines in the City of Tulsa Zoning Code, CO, (CD-7) (Related to Item 8)

STAFF RECOMMENDATION:

The applicant is requesting approval for a minor amendment to Corridor Plan Z-5537 to reduce the building setback line from 315 feet established in the original Corridor Plan to 200 feet as allowed by standard Corridor Zoning Guidelines in the Tulsa Zoning Code.

The applicant has proposed a new tennis facility for the Union School District on its 9th grade center located at 7616 South Garnett which includes eight tennis courts and a Tennis Support Facility building. The Support Facility is approximately 5,000 square feet and will be placed beyond the existing 315-foot setback line. An adjustment to the building setback has been requested for the support facility and is appropriate for this corridor plan.

The new facilities can be constructed without additional parking or landscaping as defined in the Code. The proposed facility which includes eight tennis courts, small bleachers, lighting on the center two courts and the support building all meet the applicable building floor area, open space, building height and setback limitations.

All site lighting is directed down and away from abutting residential properties south of the school site.

Staff recommends **APPROVAL** of the detail site plan for Z-5537-SP-1

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

TMAPC COMMENTS:

Mr. Leighty questioned why this application is considered a minor amendment and not a major amendment. Mr. Wilkerson stated that under straight CO zoning, the corridor district building set back line would be 200 feet. Mr. Wilkerson stated that after reading the original minutes he wasn't able to determine why the set back was 300 feet. The Zoning Code allows one to make a revision to the building set back line within the minor revision definition.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** the minor amendment to Z-5537-SP-1 per staff recommendation.

PUBLIC HEARING

13. **Triple S Addition-** Minor Subdivision Plat, Location: Southeast corner of North Lewis Avenue and East Pine Street (0332) (CD 3) (Continued from 6/20/12) (**Applicant requests continuance to July 25, 2012 for further revision to plat.**)

STAFF RECOMMENDATION:

The applicant is requesting a continuance to July 25 for further revisions to plat.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **CONTINUE** the minor subdivision plat for Triple S Addition to July 25, 2012.

14. **Jenks West 3rd and 4th Grade Center Addition –** Final Plat, Location: North of West 91st Street, East of U.S. 75 (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot on one block on 32.75 acres.

Staff has not received all of the necessary release letters at this time but the consultant requests the plat be put on the agenda in hopes that the letters are received by the meeting date. To date the letters have been received and the project will have an avigation easement per the Airport Authority request. Staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** the final plat for Jenks West 3rd and 4th Grade Center Addition per staff recommendation.

15. PUD-559-2/Z-5888-SP-1b – Sack & Associates/Eric Sack/Davis

Apartments, Location: Northeast corner of South Mingo Road and East 88th Street South, Requesting **Detail Site Plan** for a 289-unit, two- and three-story apartment complex, **CO (CD-7)** (Continued from 5/16/12 and 6/20/12)

TMAPC COMMENTS:

Mr. Walker stated that at the last meeting members of the neighborhood association were applauding and he thinks that is inappropriate and unprofessional. Mr. Walker further stated that he wants to keep up a modest decorum and if that happens again he will ask people to leave. Mr. Walker commented that he is glad to see interested parties here and would like to hear what they have to say, but please refrain from applauding speakers.

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a, two- and three-story apartment complex. The proposed use, Use Unit 8 – Multifamily and Similar Uses is a permitted use in Development Area B of PUD-559 which was approved in 1997.

The submitted site plans met all applicable building floor area, unit per acre requirements, open space, and setback requirements. No modifications of the previously approved PUD guidelines are required for approval of two previous plans.

SUMMARY OF PREVIOUS HEARINGS:

5.16.2012: A minor amendment for building height modification that was shown on the original hearing date of May 16th was withdrawn by the applicant. The site plan that was presented to the planning commission met all bulk and area requirements and screening standards outlined in the PUD. Staff recommended approval. The site plan presented on May 16th was continued to 6.20.2012 by the Planning Commission as requested by the South Towne Square Homeowners association.

6.20.2012: Applicant presented a revised site plan after meeting with the neighborhood association and staff which moved the north entrance on South Mingo and moved many of the parking spaces away from the required 25 foot landscape buffer between South Towne Square and the parking area on the north side of the apartment project. Once again staff recommended approval, the updated site plan addressed several issues pointed out by the South Towne Square homeowners association and still met or exceeded the PUD guidelines. Planning commission directed the applicant to consider a new site plan providing additional separation between the homeowners and the parking area. The applicant was also directed to consider facing parking toward the south to minimize headlight intrusion into the residential area and continued the hearing to July 11th.

7.9.2012: The Applicant presented a third site plan reflecting careful consideration of the Neighborhood and Planning Commission request. The Neighborhood has consistently prepared a complete and concise objection and the applicant has done a great deal of work to implement significant revisions to the previous plans. In short, you will see that the site plan attached provides a 50' setback along the north development boundary and eliminated all north facing, head-in parking as requested by the South Town Square Home owners association and the Planning Commission at the 6.20.2012 meeting.

All of the previous site plans submitted by the applicant have met the minimum setbacks and all other bulk and area requirements required by the PUD. As a result staff has recommended approval on all of the previous submittals. This latest site plan does a good job of implementing several requests from the Homeowners and the Planning Commission that exceeds the minimum landscape buffer, and building setback standards outlined in the Planned Unit Development.

ACCESS AND PARKING:

Access to the site will be provided from two locations. The major access will be from South Mingo Road on the west. A secondary access along the north-south mutual access easement on the east side of the site will also be provided. Use of the mutual access on the east side of the site will require proof that this property can use that access prior to platting the property.

Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code.

Sidewalks will be provided along Mingo Road as required by PUD Development Standards and Subdivision Regulations.

LANDSCAPING AND NORTH BUFFER:

Landscaping will be provided per the Planned Unit Development and Landscape Chapters of the Zoning Code. A separate landscape plan submittal will be submitted to the planning commission for approval. A landscape concept plan has been provided to illustrate that the site plan can be implemented with a 25' landscape buffer along the north property line.

An eight ~~six~~-foot screening fence will be provided along the north boundary of the development. The screening fence may be placed roughly parallel to the north property line in the location shown on the site plan. The fence location may be modified slightly in the field to avoid unnecessary tree removal.

A trash enclosure will be provided as required by the PUD and meets the minimum setback requirement as established by the PUD (200 feet required / 450 feet proposed).

SITE LIGHTING

Site lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said residential district. "Wall pack" style lighting will not be allowed on any north facing wall adjacent to the residential property.

Staff recommends **APPROVAL** of the detail site plan for Development Area B of PUD-559 as *submitted 7.9.2012* and noted above.

Note: Detail site plan approval does not constitute landscape and sign plan approval.

Applicant's Comments:

Eric Sack, Sack & Associates, 3530 East 31st Street, 74135, representing Davis Development, stated that he appreciates the continuance from the last meeting and giving him an opportunity to go back and reevaluate the site plan based on what he was hearing from the neighborhood and the Planning Commissioners. He explained that it was fortunate that he had three weeks to work on this and he needed every bit of the three weeks. The buyer and seller were in conversations about the sale of the subject property and it gave him an opportunity to go in and go through a number of interactions on the site plan. Mr. Sack stated that by reducing some units he was able to shift some parking around and allowed him to provide the 50-foot buffer along the entire north boundary that the neighborhood was asking for.

Mr. Sack cited the revisions made since the June 20th TMAPC meeting. He compared the site plan from June 20th to the site plan submitted today to show the changes/modifications. The parking for the subject site has been reduced to a ratio of 1.97 and is below his client's requirement, but they have agreed to it. Mr. Sack stated that he heard three primary concerns from the neighborhood and the Planning Commission, which were to provide a 50-foot setback/buffer along the north boundary, preserve the mature trees that are within that setback area on the north boundary and to reduce or preferably eliminate the head-in parking along the north boundary and all three of these issues have been met with these modifications presented today.

TMAPC COMMENTS:

Mr. Walker asked Mr. Sack what the total unit reduction would be for this development. Mr. Sack stated that they are deleting four units out of building two.

In response to Mr. Leighty, Mr. Sack explained that his client has the subject property under contract, but they are not the present owner. Mr. Leighty asked if they were involved in the original PUD when it was approved 15 years ago. In response, Mr. Sack answered negatively.

In response to Mr. Dix, Mr. Sack stated that he will be returning with a detailed landscaped plan.

INTERESTED PARTIES OPPOSING:

Jeff Harjo, 10018 East 85th Place, 74138, (submitted letters, emails, photos and HOA pamphlet Exhibit A-1, A-2, and A-3); **Michael & Pam Graddy**, 9812 East 85th Place, 74133; **James Weger**, 15 East 5th Street, 74107; **Ken Kinnear**, 8417 South 100th East Place, 74133; **Jeff Kennedy**, 9816 East 85th Place, 74133; **Scott Pardee**, 9802 East 85th Place, 74133.

INTERESTED PARTIES OPPOSING COMMENTS:

The application doesn't meet the Comprehensive Plan and doesn't protect the adjoining neighborhood, the parking and setback is not the only issues, the applicant didn't meet with the neighbors regarding the remaining concerns after the June 20th meeting, the neighbors indicated that they received the site plan on July 6th prior to the meeting, Mr. Sack discussed the changes by phone with Mr. Harjo, requested the Planning Commission to consider the roads, trees, fence and the overall buffer and not just the parking, requested the Planning Commission to deny the site plan because there are too many unknowns, contingencies and dangers that fail to protect the neighborhood and the community, requested that the site plan be continued until the landscaped plan is submitted, requesting a sound wall around the pool; concerns about the fencing material, construction is noisy and dirty and will be an inconvenience for the homeowners, a tall masonry fence would be the best protection for everyone, the fence should be moved off of the property line because it would destroy the trees and should be placed 50-feet to the south and allow the neighbors to retain all of the natural trees and their privacy, lots of trees need to be planted, they have been informed by many that the TMAPC is pro-development, if the TMAPC is not pro-development, let this be their example today by denying the detail site plan or granting another continuance and required that the landscape plan and grading plan be presented together with the site plan before voting, the homeowners want the applicant to leave the 50-foot barrier untouched and leave it as it is currently today, concerns about school buses and bus stops, defer approval until a traffic flow can be addressed and consider the safety and security of buses and how it affects the children that are attending Union Public Schools, request that the fence be put in place first with water trucks during construction to keep the dust from the neighborhood, prefer concrete fences for sound barriers, an eight-foot tall fence will not keep sound from the apartments reaching the second floor of the residential homes.

Applicant's Rebuttal:

Mr. Sack stated that he acknowledges that it is true that he did not contact the neighborhood after the June 20th TMAPC meeting. He felt that he had a clear definition of the items that they were requesting. He has met with the neighbors a number of times. Each time he has met with the neighbors the list of items would considerably grow. Mr. Sack stated that he has taken their concerns very seriously and he has listened to their concerns. He indicated that he has tried to address every single issue, but he has not been able to do all of them. He believes that his client has been successful in producing a better site plan for the subject property and a site plan that is consistent with the PUD and the Comprehensive Plan. This is a compatible neighbor to single-family residential homes.

Mr. Sack stated that the fence being double-sided with a cap was discussed at a neighborhood meeting, but it was not a commitment by his client to build that fence. Mr. Sack further stated that his notes indicate that his client would look at that type of fence and see if it is something he could do. The current site plan indicates an eight-foot screening fence along the property line. The PUD requires a six-foot screening fence, but his client agreed to an eight-foot fence. A tree survey has been done and his client has committed to minimizing grading in the subject area. There will be some grading needed north of the club house due to installing a storm sewer system. Mr. Sack cited the other issues along the property line regarding utility easements. Mr. Sack indicated that the eight-foot fence that is proposed will be jogged around existing mature trees. The only footing will be cement to support the steel support posts along the north property line.

TMAPC COMMENTS:

Mr. Walker asked Mr. Sack if vacating the easement along the north property line is likely. Mr. Sack stated that it is hard to say at this time. If he can talk with the various TAC members to concur that they do not need it, it may be possible. Mr. Walker asked Mr. Sack if he could leave the northern 50 feet native in nature. Mr. Sack stated that his client doesn't intend to take out all of trees, but they would like to clean it out to make it maintainable, put in lawns so that they can be enjoyed by the residents of the apartment complex. The mature trees are very tall and they provide a natural screen for the neighborhood of the apartments and likewise it provides a good screening for the residents to the apartments from the neighborhood. The existing trees will exceed the height of an eight-foot fence. The placement of a fence on the 50-foot setback or property line defines who will use the ground that is underneath those trees. His client will own that property and it should be for the enjoyment of the residents of the apartments and they should be able to use that land.

Mr. Midget asked Mr. Sack if the 50-foot setback could be left in its natural state. In response, Mr. Sack stated that there are large portions of it that

could be left natural, but he would like the Planning Commission to define natural in order to answer the question. Mr. Midget stated that he is thinking of leaving it as its natural state in the 50-foot setback. Mr. Sack stated that he was invited by the neighborhood to walk through their back yards and he visited seven of the 13 yards. He doesn't remember who it was, but they explained to him how they cleared the undergrowth from the trees behind their lot onto the subject property so that they can utilize that area and to cut down on the ticks, snakes, etc. Mr. Sack stated that it comes to the enjoyment of the 50-foot buffer. There will be an eight-foot fence on the property line and the area that falls behind that 50-foot buffer below the eight-foot line will not be screening or buffered. The 50-foot buffer is owned by his client and it should be a place for their residents to enjoy the ground to walk their dogs, play with their kids, etc.

In response to Mr. Leighty, Mr. Sack stated that he didn't get started on site plan revisions for about one week because the buyer and seller were discussing their deal on the subject project. Site plan revisions started about one week after the June 20th meeting and by July 2nd and 3rd there was still parallel parking north of buildings one and two. He hadn't achieved what they had heard and what had been asked for and didn't want to take something that we were committed to, to the neighborhood at that time. Mr. Sack stated that he received an email from Mr. Harjo on June 29th and he simply asked for an update for the neighborhood. Mr. Sack stated that he emailed Mr. Harjo at the end of that day and stated that the buyer and seller have been talking about this deal and he is not currently working on the site plan, but beginning it now and have every belief that by next week there will be a revised site plan to submit to INCOG. As soon as there was a site plan that met the requirements and things that were asked for, he sent it to INCOG and at the same time he sent it to the neighborhood. Mr. Leighty expressed his concerns that the applicant cut-off dialogue with the neighborhood, which causes mistrust.

Mr. Sack addressed the traffic flow and school bus traffic particularly. He reminded the TMAPC that there is an entry and exit on the east boundary of the subject site and it has been in all versions of the site plan.

Mr. Walker thanked the Neighborhood Association for their participation and input. Mr. Walker commended the neighbors and Sack & Associates for their professionalism throughout the subject application. Mr. Walker stated that he doesn't believe he has seen a neighborhood achieve so many concessions. The subject application meets all of the requirements of a detail site plan. It is conforming and compliant with the current Code. Mr. Walker indicated that he will have to support the application as it is presented today.

Mr. Dix stated that he agrees with Mr. Walker that both the neighbors and Mr. Sack have done a tremendous job trying to agree on a site plan. The

elimination of the north-facing parking spaces is a big deal for him. Mr. Dix suggested that the apartment not build a fence and allow the neighbors to enjoy the green buffer. He further suggested that the first ten feet could be cleared and cleaned up for the apartment side, but to leave the rest untouched.

Mr. Leighty stated that he would support the neighborhood for an additional continuance and encourage the applicant to meet with the neighborhood and discuss some of the issues that are keeping them apart.

Mr. Dix stated that the fence issue and its location could turn into an adverse possession case somewhere down the line for the property that would be behind the fence. Mr. Dix further stated that this is why he is suggesting no fence be erected.

Mr. Edwards stated that he would like to commend Mr. Sack for working with the neighborhood and the neighborhood has been well prepared. Mr. Edwards indicated that he is in support of the site plan. Staff has looked at this extensively and the TMAPC has looked at this several times and he doesn't think there is anything else TMAPC, staff or Mr. Sack can do to make this any better than it is now. Mr. Edwards suggested that this application should be voted on today. Staff will also look at a landscape plan and they do their jobs well and TMAPC should look at everything and not just the issue between the neighborhood and Mr. Sack. Mr. Edwards stated that he is in support of the site plan.

Mr. Liotta stated that he is disappointed in the applicant not taking advantage of the opportunity that the TMAPC made available to them over the last couple of weeks to continue the conversation. Conversation doesn't cost anything and it is an opportunity and it is an opportunity missed. Mr. Liotta acknowledged that it isn't something that the TMAPC can demand. Mr. Liotta applauded the neighborhood for their professional presentation and presented their concerns well and respectfully. The applicant has made tremendous changes and moved about 40 parking spaces and went to the extent of reducing a number of units, which changes the business plan for the subject site. There is no specific infraction of the PUD that he can find to use to deny and he will support the site plan.

In response to Mr. Walker, Mr. Wilkerson stated that the PUD is set up to have the fence as a separate line item. Typically, the screening is looked at during both at the site plan level and the landscaped plan level. Staff doesn't want to approve a site plan that can't be done if the screening isn't right so they both have to be worked together. Mr. Walker asked if the site plan is approved, could there be changes made during the detail landscape plan. Mr. Wilkerson stated that he believes that would be appropriate. Mr. Wilkerson reminded the Planning Commissioners that staff reviews the landscape plan

without coming back to the Planning Commission. However, due to the importance of this project, staff felt it is appropriate to bring it back to the Planning Commission for review.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-2-0** (Covey, Dix, Edwards, Liotta, Perkins, Shivel, Walker "aye"; Leighty, Midget "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** the detailed site plan for PUD-599-2/Z-5888-SP-1b per staff recommendation.

* * * * *

16. **Z-7206 – Robert Winchester**, Location: South of southwest corner of East 31st Street South and South Louisville Avenue, Requesting rezoning from **RS-3/OL to OL/CS**, (CD-9)

STAFF RECOMMENDATION:

After a lengthy discussion, the TMAPC determined to continue this application to June 25, 2012 to allow the applicant and staff discuss rezoning options.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **CONTINUE** the application for Z-7206 to July 25, 2012.

* * * * *

17. **Z-7207 – Roy D. Johnsen/I-244 Admiral Land, LLC**, Location: East of the southeast corner Admiral Place and I-44, Requesting rezoning from **CG to IL**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20028 dated February 8, 2001, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6799 February 2001: All concurred in approval of a request for rezoning a 45± acre tract of land from RS-3/RM-2/RMH/OL/CG to CG for a commercial center on property located northeast corner of South 129th East Avenue and East 4th Street and includes the subject property.

Z-6644 August 1998: All concurred in approval of a request to rezone a 119+ acre tract from AG to IL for a warehouse and distribution center, on property located on the southwest corner of East Admiral Place and South 145th East Avenue.

Z-6458 October 1994: All concurred in approval of a request to rezone a 5.35+ acre tract from RS-3 to IL for a telecommunication tower, on property located on the north side of East Admiral Place in the northeast corner of East Skelly Drive and East Admiral Place.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 14.32+ acres in size and is located east of the southeast corner East Admiral Place and Interstate 44. The property appears to be vacant- and is zoned CG.

SURROUNDING AREA: The subject tract is abutted on the east by an industrial use, zoned IL; on the north by vacant land, US 412 and I-44, zoned RS-3; on the south by vacant land, zoned CG; and on the west by vacant land also zoned CG.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not designate East Admiral Place.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Admiral Place*	Secondary arterial	100'	4

*ODOT owns all the land south of the expressways and has an agreement with the applicants of this request to use that for access.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this as a Town Center and as an area of Growth. According to the Plan (Part VI, page 55), the purpose of the Growth areas is to direct allocations of resources and channel growth into areas where it will be beneficial and best able to improve access to jobs, housing and services with fewer and shorter auto trips. Proximity to East Admiral Place and two expressways would obviously enhance the site's accessibility to jobs, services and housing. The requested IL zoning **is in accord** with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding zoning/land uses, staff recommends **APPROVAL** of IL zoning for Z-7207.

Mr. Johnsen submitted a letter of support from Councilor Steele (Exhibit C-1).

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** the IL zoning for Z-7207 per staff recommendation.

Legal Description for Z-7027:

A TRACT OF LAND WHICH IS PART OF THE EAST HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOUR (4), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT WHICH IS THE NORTHEAST CORNER OF GOVERNMENT LOT SIX (6); THENCE S00°30'47"E ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOUR (4) FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST ADMIRAL PLACE; THENCE S89°38'24"W ALONG SAID RIGHT-OF-WAY LINE FOR 70.00 FEET TO THE POINT OF BEGINNING; THENCE S00°30'47"E A DISTANCE OF 982.00 FEET TO A POINT; THENCE S89°38'24"W A DISTANCE OF 317.50 FEET TO A POINT; THENCE N00°30'47"W A DISTANCE OF 982.00 FEET TO A POINT ON SAID RIGHT-OF-WAY; THENCE N89°38'24"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 317.50 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 7.16 ACRES, MORE OR LESS. **AND** A TRACT OF LAND WHICH IS PART OF THE EAST HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOUR (4), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT WHICH IS THE NORTHEAST CORNER OF GOVERNMENT LOT SIX (6); THENCE S00°30'47"E ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOUR (4) FOR A DISTANCE OF 150.00

FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST ADMIRAL PLACE; THENCE S89°38'24"W ALONG SAID RIGHT-OF-WAY LINE FOR 387.50 FEET TO THE POINT OF BEGINNING; THENCE S00°30'47"E A DISTANCE OF 982.00 FEET TO A POINT; THENCE S89°38'24"W A DISTANCE OF 317.50 FEET TO A POINT; THENCE N00°30'47"W A DISTANCE OF 982.00 FEET TO A POINT ON SAID RIGHT-OF-WAY; THENCE N89°38'24"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 317.50 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 7.16 ACRES, MORE OR LESS.

* * * * *

18. **Z-7208 – Lou Reynolds/The William K. Warren Medical Research Center, Inc.**, Location: Southeast corner of East 68th Street and South Yale Avenue, Requesting rezoning from **OM to CS**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 12532 dated August 1, 1972, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-455-A December 1994: All concurred in approval of a proposed Planned Unit Development on a 4.7± acre tract of land for office and parking and commercial uses, on property located south of the southeast corner of East 68th Street and South Yale Avenue and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .95± acres in size and is located at the southeast corner of East 68th Street and South Yale Avenue. The property is vacant and zoned OM.

SURROUNDING AREA: The subject tract is abutted on the east by mixed office uses, zoned OM; on the north by office uses, zoned OM; on the south by mixed office uses, zoned PUD-455A/OM; and on the west by vacant land/open space, zoned OM. This is adjacent to part of the larger St. Francis Medical Center development.

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

TRANSPORTATION VISION:

South Yale Avenue is divided six-lane primary arterial in this area. The plan had designated it as a multimodal roadway, as it is one of the major

transportation routes east of Riverside Drive/Parkway and the Arkansas River. Multimodal streets are envisioned as being used by various forms of vehicular traffic as well as pedestrian.

STREETS:

South Yale Avenue is a primary arterial and one of the major north/south streets east of the Arkansas River. The plan envisions it as a multimodal street, serving many commercial, institutions and office uses.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Yale Avenue	Primary arterial	120'	6 + turning lanes
East 68th Street	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The plan designates this area, which includes the St. Francis Hospital and numerous medical/office buildings, as a Growth Area and a Regional Center. As such, it is a destination for many people seeking to use the facilities and other nearby uses. The requested CS zoning **is in accord** with the plan.

STAFF RECOMMENDATION:

The requested CS zoning **is in accord** with the Comprehensive Plan and is in keeping with surrounding development. Staff, therefore, recommends **APPROVAL** of CS zoning for Z-7208.

Mr. Reynolds stated that he called Ms. Gilmore and explained to her that the subject property is on the East side of Yale and she lives on the West side of Yale. (Letter of protest Exhibit D-1).

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; n Carnes, Stirling "absent") to **APPROVE** the CS zoning for Z-7208 per staff recommendation.

Legal Description for Z-7208:

A tract of land in the West Half of the West Half of the Southwest Quarter of the Southwest Quarter (W/2 W/2 SW/4 SW/4) of Section Three (3), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: BEGINNING at a point 60.00 feet East of the West line of Section 3, and 60.00 feet South of the North line of said SW/4 SW/4 of Section 3; thence S 89°50'02" E and parallel

with the North line of said SW/4 SW/4 of Section 3, a distance of 164.61 feet; thence along a curve to the left, with a central angle of 25°00'00" and a radius of 180.00 feet, a distance of 78.54 feet; thence N 65°09'58" E a distance of 32.23 feet to a point on the East line of said W/2 W/2 SW/4 SW/4 of said Section 3; thence S 00°00'08" W along the East line of said W/2 W/2 SW/4 SW/4 of said Section 3, a distance of 179.71 feet; thence due West a distance of 269.97 feet to a point, said point being 60.00 feet East of the West line of Section 3; thence due North a distance of 150.00 feet to the POINT OF BEGINNING.

* * * * *

Mr. Shivel recused himself from PUD-528-A and left the room at 2:55 p.m.

19. **PUD-528-A – Jack Bubenik/City of Tulsa Parks**, Location: Southwest corner of South Yale Avenue and East 121st Street, Requesting a **Major Amendment** to abandon PUD-528 to allow for a public park use, from **RS-2/CS/PUD-528 TO RS-2/CS/PUD-528-A**, (CD-8) (Related to Item 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 18393 dated February 2, 1995, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6454/ PUD-528 February 1995: A request for rezoning a 43.45± acre tract of land from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development, including residential and commercial uses. All concurred in approval of CS zoning on the north 467' of the east 467' and the balance zoned RS-2 and approval of the PUD, on property located southwest corner of South Yale Avenue and East 121st Street, and is also the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is triangular shaped site containing approximately 43.45 acres and is located at the southwest corner of South Yale Avenue and East 121st Street. The property abuts the Arkansas River along the southwest property line and is currently a vacant tract. The site is currently zoned RS-2 / CS/ PUD-528.

SURROUNDING AREA:

The subject tract is abutted on the east by AG zoned property and is currently being used by right as a wholesale nursery. South Yale is an unimproved right of way along the east property line. North of the site across 121st Street there is a wide variety of underlying zoned property, CS, RS-1, and RS-2. PUD 636 and 526 overlays are also present. The southwest boundary of the site is all in the Arkansas River and zoned AG.

UTILITIES: The subject tract has municipal water available.

TRANSPORTATION VISION:

The Comprehensive Plan designates East 121st Street South as a primary arterial from Yale to the east and also a primary arterial/multimodal street to the west of Yale. East 121st and Yale, north and west of the site are intended to accommodate various modes of transportation (automobile, bus, bicycle and pedestrian). Yale is shown as a primary arterial street south of the intersection. A planned bridge crossing over the Arkansas River near the southeast corner of the site is shown on the Tulsa Metropolitan Area Major Street and Highway Plan.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Yale Avenue	Primary Arterial	120	Not developed
East 121st Street South	Primary Arterial	120'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The entire PUD abandonment area is designated as a park area in the Comprehensive Plan; therefore the proposed park is in full compliance with the City of Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

Originally the Planned Unit Development was prepared as a mixed-use development including commercial and residential properties; however, it does not allow public park use. Staff finds that the proposed park use is in harmony with the spirit and intent of the Comprehensive Plan. The most efficient way to allow the park in this area is to abandon the PUD therefore the staff recommends **ABANDONMENT** of the Planned Unit Development. A separate Board of Adjustment action will be required to allow the park (Use Unit 5) in the underlying residentially owned property

TMAPC COMMENTS:

Mr. Dix asked if the park will actually be built and when will it be built. Mr. Dix further asked if the City has funds to maintain the park.

Applicant's Comments:

Lucy Dolman, Parks Department, stated that at this time there is a committee that is undergoing a fund raising effort to develop the park. She explained that they need to designate this as a park and place a sign for the park.

Mr. Dix asked if it is meant to be a park in perpetuity or can it ever be changed. Ms. Dolman stated that it will be a park in perpetuity.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-528-A to abandon PUD per staff recommendation.

Legal Description for PUD-528-A:

THE NORTH 660.0' OF THE EAST 660.0' OF GOVERNMENT LOT 1, OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND GOVERNMENT LOT 1, LESS AND EXCEPT THE NORTH 660.0' OF THE EAST 660.0' THEREOF AND ALL OF GOVERNMENT LOTS 2 AND 6 IN SECTION 4, TOWNSHIP 17 NORTH, RANGE 13, EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

* * * * *

20. **PUD-528-A – Jack Bubenik/City of Tulsa Parks**, Plat Waiver, Location: Southwest corner of South Yale Avenue and East 121st Street, **RS-2/CS/PUD-528 TO RS-2/CS/PUD-528-A**, (CD-8) (Related to Item 19)

STAFF RECOMMENDATION:

Staff can recommend **APPROVAL** of the plat waiver for this site per the planned park use. This is with the condition that the Special Exception be granted under BOA-21452, and the PUD be abandoned per Planning Commission approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Stirling "absent") to **APPROVE** of the plat waiver for PUD-528-A per staff recommendation.

* * * * *

Mr. Shivel in at 3:00 p.m.

OTHER BUSINESS:

- 21. Review and discuss the Tulsa Preservation Commission Design Guidelines Updates for Residential Structures and Non-Residential and Mixed-Use Structures within Historic Preservation Overlay Zoning Districts**

STAFF RECOMMENDATION:

This application will need to be advertised for the August 1, 2012 TMAPC meeting.

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- 22. The Planning Commission (PC) will make a determination and direct PC staff and City of Tulsa Planning Staff of what steps to take next regarding the Form-Based Code.**

STAFF RECOMMENDATION:

Ms. Warrick, Director of City of Tulsa Planning Department, and Theron Warlick, Planner for the City of Tulsa Planning Department, presented a PowerPoint Presentation.

TMAPC COMMENTS:

In response to Mr. Midget, Ms. Warrick stated that the Planning Commission has the ability to apply some discretion regarding how to interpret the policies that have been adopted. If the Planning Commission feels that it is not representative to carry the boundaries across the street, then it is the Planning Commission's call.

Ms. Warrick recommended that the discrepancies within the subarea maps be resolved as administrative scrivener's error to ensure that they are consistent with the text. Mr. Covey asked if this would be an amendment to the 6th Street Infill Plan. Ms. Warrick stated that she doesn't believe it would be an amendment that would require anything more than the Planning Commission giving staff direction to fix the graphics. Mr. Covey asked about the boundary east of Utica and south of Peoria. Ms. Warrick stated that she believes that is the Planning Commission's discretion as to how they believe the intent of the policy would be carried forward and that adjustment could be made based on that action and not go back into Plan document as a formal amendment, it would be an adjustment.

Ms. Warrick stated that there are areas that staff feels that Form-Based Code shouldn't be applied to them. The map indicates these areas and they are either manufacturing or auto oriented in nature. There is no purpose in

imposing the Regulating Plan on these areas. Ms. Warrick indicated that the Planning Commission could impose the Regulating Plan but choose not to apply the Form-Based Code zoning district, but staff feels that would be confusing.

Mr. Warlick cited the various Cities that offer an optional code. Mr. Warlick stated that he talked with the consultant that wrote the Form-Based Code for the City of Tulsa and she indicated that there are some conditions where an optional code can work.

Mr. Walker stated that the Planning Commission has received a letter from the Design Team and they stated that this proposal is a deviation from what they wanted and are not in agreement with it. Ms. Warrick stated that she recognizes that this is a deviation from what the Pearl District Design Team presented in April of 2012. The City Planning staff feels that this proposal matches the adopted policy and that is really what the charge is to take the policy and apply through these tools so that the development matches the policy. That doesn't mean that in the future that the policy document couldn't be reviewed and adjusted to find a way to appropriately address the subject areas. Ms. Warrick further stated that she wouldn't recommend doing all these things at the same time.

Mr. Leighty asked Ms. Warrick if she thought the subject properties could benefit from the Form-Based Code. Ms. Warrick stated that it is something that the Pearl District 6th Street Infill Plan did contemplate, but it didn't make it to the actual document that was adopted. Form-Based Code does have warehouse type uses and there is a way to get to that, but she doesn't feel that the policy document was adopted in a way to give staff enough to hang their hat on and apply those types of tools to the subject area.

Mr. Dix stated that he doesn't believe any of the TMAPC members have ever talked about "cherry picking" issues; it is either in or out. Mr. Warlick indicated that it would be difficult to explain to applicant's the option in or out. Mr. Dix stated that his issue is that the Plan is trying to impose this on 800 or 1,300 property owners and tell them that they can't do what they want to do with their property. There are Codes that they already abide by and to tell them now that they can't do with their property what they intended to do when they originally purchased the property is fodder for courts. Mr. Warlick stated that he would defer to the City Legal Department because he believes that the City does have the power to rezone property. Mr. Dix stated that Mr. Warlick's statement is pretty heavy-handed. Mr. Warlick asked Mr. Dix if he was asking a legal question. Mr. Dix stated he wasn't asking for a legal question, he knows where the attorney sits and what he has said in the past, but that is not a court. Mr. Warlick stated that change is difficult and that is why staff writes plans in advance of what is planned to be done, which was done for the subject area in 2006. Now it has been six years later and the City is trying to

follow through with the zoning portion of a Plan that is already being followed. This is the best way to do it and this is why the City has a Comprehensive Plan, which needs to be followed. Mr. Dix stated that there is no way he can support the Form-Based Code over the entire subject area without an “opt in” clause and not a transition period. Mr. Warlick stated that as a staff person he would not recommend that. Mr. Dix concluded that he wouldn’t vote for anything without an “opt in” clause in perpetuity.

Mr. Leighty asked Mr. Warlick if there is any optional zoning in the City of Tulsa. In response, Mr. Warlick answered negatively.

Ms. Warrick stated that zoning does provide a structure for establishing what people can and cannot do on their property and that is not any different then what is applied throughout the City. Staff feels very strongly that the proposed Form-Based Code application in the subject area will not restrict people’s abilities to utilize their property in the same manner and the uses are actually more expansive within the Form-Based Code than what is provided. The biggest difference is the form that that development takes over time.

Ms. Warrick stated that she would like to get feedback from the Planning Commission and to have an opportunity to have at least one public meeting to get feedback.

Mr. Leighty moved to direct staff to schedule and notice for a public meeting.

Mr. Covey stated that he is in support of redoing the subarea maps and making them consistent with the more comprehensive map. Mr. Covey expressed his concerns with the 6th Street Infill Plan and the Form-Based Code Regulating Plan. Ms. Warrick stated that it is the Planning Commission’s discretion to determine what the intent was with regard to the policy document. Mr. Covey asked Ms. Warrick what the City of Tulsa recommends and was this intentionally done or was it an error. Mr. Warlick stated that he drafted the Plan and unintentionally made the error on the subarea maps. Mr. Covey stated that he has driven the Pearl District many times and there are Pearl District Signs on every stop sign indicating that it is the Pearl District. Mr. Covey further stated that the areas that are marked are not actually the Pearl District. Mr. Covey expressed concerns that some of the property owners may believe that they are not in the Pearl District and that the Form-Based Code is not applicable to them, but in reality they may be in the regulating area.

Mr. Perkins stated that he would like to start with items 1 through 5 and discuss them and come up with a motion or disapproval of that recommendation and then move onto the next item.

Ms. Warrick stated that this is not published as an action item today and today is to gain feedback.

Interested Parties Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that ten years ago, his client Hillcrest Hospital, was told that they were not in the Pearl District. He indicated that his client didn't participate in the Form-Based Code meetings because they were told that they were not in it.

Mr. Leighty commented that he doesn't believe that this is the proper time to speak on this. This was supposed to be for the Planning Commission to give staff direction and not public input. Mr. Midget stated that it is up to the discretion of the Chair and this is a public meeting. Mr. Walker stated that the Planning Commission can recognize who they want and if there is nothing new than he will ask them to sit down. Mr. Leighty asked Mr. Walker if he is going to recognize Mr. Jamieson. Mr. Walker stated that anyone can be recognized.

Mr. Reynolds continued with his presentation. He submitted text from the 6th Street Infill Plan (Exhibit E-1). Mr. Reynolds explained that grandfathering in property does not create stable areas. Mr. Leighty interrupted Mr. Reynolds and stated that he needs to speak for himself and not for him. Mr. Reynolds continued to state that there can't be a thriving commercial area without parking and making property legal nonconforming.

Mr. Leighty stated that he believes it needs to be said that Mr. Reynolds is expressing his personal opinion, which is in direct conflict with what the City Planning Department is stating.

In response to Mr. Covey, Ms. Warrick stated that they will be seeking input on the Regulating Plan proposal. The public meetings will give the staff broader feedback and then bring it back to the Planning Commission.

Mr. Midget stated there may be some areas that need to be removed from the proposal and specifically areas where people were not part of the planning and didn't realize until it was too late that they were in the Form-Based Code.

Ms. Warrick stated that if staff can tie changes to the policy to the 6th Street Infill Plan and find support in the document to make the modifications and that is where the guidance should come from.

Mr. Walker stated that he believes staff has already identified some inconsistencies.

Mr. Jamieson stated that he would repudiate everything that Mr. Reynolds stated. Mr. Jamieson cited the various groups and businesses that he has discussed the proposal with.

Joe Westervelt, 1630 South Boston Avenue, stated that everything heard today is good, but he suggested that in order to get a good turnout and good feedback it should be scheduled after school starts.

Mr. Bates pointed out the number of property owners that would need to be notified and the time it would take to accomplish this. Mr. Bates suggested that July 17th would be difficult to notice.

Mr. Midget stated that he believes the Planning Commission is flexible on the date; their goal is to get the information out and give the property owners an opportunity to give their feedback.

After Ms. Warrick's and Mr. Warlick's presentation and discussion, the Planning Commission directed staff to prepare a notice for a public meeting to receive input for the Form-Based Code Regulating Plan to be held July 24, 2011 and to mail it to every property owner in the subject area.

Carolyn Back, Form-Based Code Administrator, stated that she is here to report some good news. The first Form-Based Code application for the pilot area has been submitted by One Architecture. The application is to change out glass and the storefronts for new storefronts. The notice for a completed application out for that application this week, probably tomorrow and then the plans should be reviewed and processed by the end of this week. The applicant applied on... "I am sorry Barbara, Carolyn Back, 2 West 2nd, sorry my bad". The applicant applied on July 6, 2012 and submitted a revised plan on July 10, 2012. This will be turned around quite quickly.

Ms. Back asked if she could share something else, being the Form-Based Code Administrator, really quickly. She knows that staff is looking to the Planning Commission for action or direction on that and she believes the reason, "and Dawn correct me if I am wrong", the reason they are looking for that is to have good tools to present to the neighbors at the July 24th hearing. The more information, the more direction the Planning Commission can give them, "yes we like this, take this out or in" the better exhibits they have to be able to proverbial "herd the cats" to what the Planning Commission is wanting to do. This is all I would like to say.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **DIRECT** the City Planning Staff to conduct a public input meeting on July 24, 2012, for the Form-Based Code Regulating Plan.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **ADJOURN** TMAPC meeting No. 2629.

There being no further business, the Chair declared the meeting adjourned at 4:11 p.m.

Date Approved:

April 15, 2012

Justina Li Webb

Chairman

ATTEST:

[Signature]

Secretary