

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2630

Wednesday, July 25, 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
Carnes	Perkins	Bates	Steele, Sr. Eng.
Covey		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	Schultz, COT
Edwards		Wilkerson	
Leighty			
Liotta			
Midget			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 19, 2012 at 12:00 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:

Chairman's Report:

Mr. Walker reported that there will be a work session immediately following today's meeting.

Mr. Walker recognized Ms. Michelle Cantrell for her service on the TMAPC. He stated that she was our chairman for two years. Mr. Walker stated that he appreciates her service and is grateful for serving with her. Mr. Walker thanked Ms. Cantrell for her service to the TMAPC and the City of Tulsa.

Ms. Cantrell thanked everyone present today and enjoyed serving with the TMAPC. She stated that she likes having her Wednesdays free now, but she does miss everyone and their smiling faces. Ms. Cantrell thanked Diane Fernandez, Planner for Subdivisions, she has been at INCOG for such a long

time and a great help to her when she first started on the TMAPC. Ms. Cantrell stated that Mrs. Fernandez doesn't often get recognized because she does some of the more technical boring stuff, but she really appreciates all of her work. Ms. Cantrell thanked Ms. Huntsinger, who is really in charge of everything and keeps everything together. Ms. Cantrell stated that she always appreciated the people who attended the meetings. Public participation makes us a better Board. She enjoyed having people attending because they had an interest in Tulsa and had something to say. Ms. Cantrell thanked the TMAPC and thanked them for her certificate of appreciation. [Applause]

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Minutes:

Approval of the minutes of June 20, 2012 Meeting No. 2628

On **MOTION** of **MIDGET**, the TMAPC voted 9-0-1 (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; Stirling "abstaining"; Perkins "absent") to **APPROVE** the minutes of the meeting of June 20, 2012, Meeting No. 2628.

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CONSENT AGENDA

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

2. **LS-20529** (Lot-Split) (County), Location: East of 209th West Avenue between West 5th Street South and Highway 51
3. **LS-20530** (Lot-Split) (CD-9), Location: South of East 28th Street South between South Gary Avenue and South Florence Avenue (Related to LC-413)
4. **LC-413** (Lot-Combination) (CD-9), Location: South of East 28th Street South between South Gary Avenue and South Florence Avenue (Related to LS-20530)

5. **PUD-766-4 – Jason Emmett/Holiday Inn 5**, Location: West of the southwest corner of I-44 and South Yale Avenue, Requesting a **Minor Amendment** to decrease the ten-foot landscape edge on the west line of Lot 4 to minimum width of five feet, **CS/PUD-766**, (CD-9) (Related to Item 6)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to decrease the ten-foot landscape edge on the west line of Lot 4 to a minimum width of five feet. The Planned Unit Development also requires a six-foot screening fence along the entire length of the lot. The required screening fence will be placed on the lot line which separates the multifamily development west of this site. The five feet of green space will only affect the owners of Lot 4.

In lieu of the ten-foot green space the applicant has presented a plan with five feet of green space and seven 15-foot tall trees spaced at approximately 20-foot centers. These trees will ultimately provide a more meaningful green space boundary between the hotel site and the multifamily site.

Please refer to the attached landscape plan illustrating concept of the intent along the west property line which is included as part of the staff recommendation.

The Planning Commission is provided authority in Section 1107.H.9 of the Tulsa Zoning Code to make “changes in structure heights, building setbacks, yards, open spaces, etc.” as a minor amendment to the PUD if the “approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

The request for reduction of the ten-foot green space to five feet with the consideration of the additional trees along the west property line is in harmony with the design intent of the Planned Unit Development.

Therefore, staff recommends **APPROVAL** of the minor amendment for PUD-766-4.

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

6. **PUD-766-4 – Jason Emmett/Holiday Inn 5**, Location: West of the southwest corner of I-44 and South Yale Avenue, Requesting a **Detail Site Plan** for a five-story Holiday Inn Express in a single-use building, **CS/PUD-766-4**, (CD-9) (Related to Item 5)

STAFF RECOMMENDATION:

PERMITTED USE:

The applicant is requesting approval of a detail site plan for a five-story Holiday Inn Express, in a single-use building. The proposed use, Use Unit 19, is a permitted use in PUD-766-4.

DEVELOPMENT STANDARDS:

The submitted site plan meets all applicable development standards including but not limited to building floor area, open space, building height and setback limitations with the understanding that the minor amendment for PUD-766-4 is approved at the Planning commission meeting prior to approval of this site plan.

VEHICULAR ACCESS AND PARKING:

Vehicular access to the site will be provided by mutual access agreements from East 51st Street South and South Yale. Parking will be provided per the applicable Use Unit of the City of Tulsa Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code.

LANDSCAPE AND SCREENING REQUIREMENTS:

Landscaping will be provided per the Planned Unit Development, PUD Amendments and Landscape Chapters of the Zoning Code. A masonry trash enclosure is shown on the site plan will be provided as required by the PUD.

SITE LIGHTING:

All site lighting, including building mounted fixtures, will be limited to 30 feet in height per PUD limitations for exterior lighting. 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.

PEDESTRIAN ACCESS:

Sidewalks will be provided within the development and connected to existing sidewalks in the area. All vehicular and pedestrian access is provided via private streets and access agreements inside PUD-766-4 therefore there is no requirement for sidewalks on public streets for this particular site.

Staff recommends **APPROVAL** of the detail site plan for PUD-766-4 with the condition that the minor amendment PUD-766-4 is approved prior to site plan approval.

Note: Detail site plan approval does not constitute landscape and sign 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** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** the consent agenda Items 2 through 6 per staff recommendation.

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Mr. Liotta out at 1:32 p.m.

PUBLIC HEARING

- 7. **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 and July 11, 2012 for revisions to plat, Request continuance to August 1, 2012 for further review of revisions to plat.)

STAFF RECOMMENDATION:

The applicant is requesting a continuance to August 1, 2012 for further review of revisions to plat.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, Perkins "absent") to **CONTINUE** the minor subdivision plat for Triple S Addition to August 1, 2012.

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

Mr. Liotta in at 1:34 p.m.

- 8. **CZ-415 – Patricia Evans**, Location: Northeast corner East 56th Street North and North Utica Avenue, Requesting rezoning from **AG/RS to CS**, (County)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CBOA-2399-A December 20, 2011: The Board of Adjustment approved the Reconsideration of case CBOA-2399, a Special Exception to allow a Home Occupation (Beauty Salon with 2 chairs) to permit 4 chairs total in the salon, with only members living on the premises as part of the home occupation business, on the subject property.

CBOA-2399 August 16, 2011 The Board of Adjustment approved a *Special Exception* to allow a Home Occupation (Beauty Salon). The exception was granted limiting the home occupation to two (2) salon chairs on the subject property.

CBOA-652 April 15, 1986: The Board of Adjustment denied a *Special Exception* to allow a home occupation (excavating company) in an RS district; and denied a *Variance* to allow a detached accessory building in the rear yard to exceed 750 sq. ft. to 1,440 sq. ft.; finding that the excavating company would not be compatible with the residential neighborhood; and finding that a hardship was not demonstrated by the applicant that would justify the variance requested; located at 1641 E. 56th St. and is abutting to the west of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5± acres in size and is located northeast corner of East 56th Street North and North Utica Avenue. The property appears to be vacant and is zoned RS/AG.

SURROUNDING AREA: The subject tract is abutted on the east by vacant property, structures, zoned RS, CS; on the north by vacant property, zoned AG; on the south by residential uses, zoned RS; and on the west by residential and vacant property, zoned RS and AG.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates 56th Street North as a Secondary Arterial.

STREETS:

East 56th Street North, North Utica Avenue

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 56th Street North	4 lanes	100 feet	2 lanes
North Utica Avenue	Residential Collector	60 feet	

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Plan does not designate a planned use for the property. The old Comprehensive Plan for District 24 viewed this area as Low Intensity and CS zoning would not be in conformance with the plan. (All plans for the area are very old and need to be revisited and updated.)

STAFF RECOMMENDATION:

There have been several Board of Adjustment cases to allow the beauty salon use and additional beauty “chairs” on the site. There is a small CS commercial zoning located east of the site, and there is a property in between the requested rezoning and this existing CS zoning. The property is surrounded by RS residential zoning and a subdivision plat. Without the use of a Planned Unit Development overlay or perhaps revising the request to a smaller sized parcel, the request represents a case for spot zoning at the current time. There is a lot of vacant property in the area and further north an IL zoned industrial property. Staff recommends **DENIAL** of the request as presently proposed.

TMAPC COMMENTS:

In response to Mr. Walker, Ms. Evans stated that she wants to run a salon and pay her bills.

Mr. Midget asked Ms. Evans if she would be willing to reduce the size of her request. In response, Ms. Evans stated that she would be more than happy to do that. Mr. Midget explained that once the property is rezoned it stays with the subject property and another owner could impact the neighbors with a commercial use. If it was reduced it may fair better with the Planning Commission. Mr. Midget suggested that the application be continued.

In response to Mr. Dix, Ms. Evans stated that the existing building is on the left-hand corner.

After discussing this matter with the applicant the Planning Commission recommended that this case be continued to August 15, 2012 to allow the applicant to decrease the amount of property being rezoned or file a PUD.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins, "absent") to **CONTINUE** the rezoning case for CZ-415 to August 15, 2012 to allow the applicant to reduce the amount of property to be rezoned or to file a PUD.

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9. **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) (Continued from 7/11/12)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance numbers 21984 dated January 23, 2009 and 11823 dated June 26, 1970, established zoning for the subject properties.

RELEVANT ZONING HISTORY:

Z-7121 January 2009: A request was made for rezoning a 12,188± square foot tract of land from PK to OM. All concurred in denial of OM and approval of OL zoning for office use, on property located south of southwest corner of East 31st Street and South Louisville Avenue and is a part of the subject property.

Z-6825 September 2001: All concurred in approval of a request for rezoning a 5± acre tract of land from RS-3 to PK for parking on property located south of southwest corner of East 31st Street and South Louisville Avenue.

Z-6227 January 1989: All concurred in approval of a request to rezone a 1.3± acre tract from RS-3 to OL on the north 150' and PK zoning, on the south tract located on the southeast corner of East 31st Street South and South Louisville Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .56± acres in size and is located south of the southwest corner of East 31st Street and South Louisville Avenue. The property is rental and vacant and is zoned RS-3/OL.

SURROUNDING AREA: The subject tract is abutted on the east by a parking lot zoned PK; on the north by an office use, zoned CS; on the south by single-family residential uses, zoned RS-3; and on the west by a parking lot adjacent to an apartment building, zoned RM-1.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not designate South Louisville Avenue.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Louisville Avenue	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan calls for this area to be an Existing Neighborhood. East 31st Street, which this property does not abut, is designated as a Mixed Use Corridor. Existing Neighborhoods are so designated due to their stage of development and in anticipation of the continuance of that type of land use. The plan also designates it as an area of Stability, again based on its history.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the existing single-family residential uses to the south, staff cannot support the requested OL/CS zoning. Therefore, staff recommends **DENIAL** of OL/CS zoning.

Staff has taken under consideration the amended request to OM zoning for the property as proposed at the July 11, 2012 planning commission meeting. The OM zone allows no height restriction. The OL zone has a one-story height limitation. Staff can not recommend OM zoning for the subject site because of the existing residential structure and use immediately south of the property. If the Commission decides that OL zoning is appropriate on the subject lot to align to PK zoning across the street, there would be a one-story height limitation and a 30% limitation on site floor area next to the residential use. Without a PUD, the screening requirement between the OL and RS-3 zonings will require a screening fence or wall along the property line

Applicant's Comments:

Robert Winchester, 2232 East 26th Street, 74114, stated that he is trying to take the parcel currently OL and make it CS and then on the parcel that is RS-3 make it OL as a transitional space for the CS. Mr. Winchester cited the current zoning and uses surrounding the subject property. Mr. Winchester submitted photographs (Exhibit A-2) and a letter of support (Exhibit A-1). Mr. Winchester stated that he doesn't have a proposed use or client at this time. Mr. Winchester indicated that the property to the west is zoned RM-1, but it being utilized as a parking lot.

TMAPC COMMENTS:

Mr. Leighty asked how many people were notified for this application. Mr. Bates stated that everyone within 310 feet of the abutting property. Mr. Leighty asked how many people that would represent. Mr. Bates stated that

he doesn't have the number of people, but staff is required to send a minimum of 15 notices.

Mr. Edwards stated that the Comprehensive Plan is not a plan that is set in concrete and it is a flexible document. He asked staff if they really anticipate that there would be residential to the south of the subject site. Mr. Bates stated that it is a stable neighborhood to the south, but he can't predict if there will be more residential development. It is the Planning Commission's ability to override staff's recommendation.

Mr. Carnes asked staff if they would be comfortable with OL zoning on both properties. Mr. Bates answered affirmatively.

Mr. Carnes moved to approve the OL zoning for Z-7206. Mr. Walker asked Mr. Carnes if it would be OL/CS zoning and Mr. Carnes agreed.

Mr. Carnes stated that he would support the OL and not the OM.

Mr. Winchester stated that his request is OL on the southern portion that abuts the residential and CS on what is currently zoned OL.

Mr. Walker asked Mr. Winchester if he would be happy with both tracts being rezoned OL. In response, Mr. Winchester answered negatively.

Mr. Carnes withdrew his motion.

Mr. Liotta stated that the applicant pointed out that the RM-1 zoned property he abuts is being used as parking and he is surrounded by defacto PK and CS, except on the south. If the applicant is rezoning the southern portion to OL and the northern portion to CS then it would be a good transition to the south. Mr. Liotta stated that he could support that request.

Mr. Midget stated that he agrees with Mr. Liotta and Mr. Edwards.

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 **LIOTTA**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to recommend **APPROVAL** of the OL zoning for the southern portion of the tract and CS zoning for the northern portion of the tract.

Legal Description for Z-7206:

(a). Rezone to CS:

North 81.25' of the South 132.5' of the East Half of Lot 1, ALBERT PIKE 2nd SUBDIVISION, City of Tulsa, Tulsa County, State of Oklahoma.

&

(b). Rezone to OL:

The South 51.25 Feet of the East Half of Lot 1 and the North 30 Feet of the East Half of Lot 8, ALBERT PIKE 2nd SUBDIVISION, City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS

- 10. **FBC-12-01/The Phoenix Café, Record Store** – 1302 East 6th Street, Replacement of the existing fenestration with updated store fronts, doors, approved 7/12/12

STAFF RECOMMENDATION:

Carolyn Back, Form-Based Code Administrator, stated that this is the first Form-Based Code application approved. Staff asked for additional information and the applicant submitted the additional information to staff on the following day. Staff returned their notice of completed application on the same day and it is approved.

OTHER BUSINESS:

None.

Commissioners' Comments

None.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **ADJOURN** TMAPC meeting No. 2630.

There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

Date Approved:

April 15, 2012

John A. Walsh

Chairman

ATTEST:

[Signature]
Secretary