

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2637

Wednesday, November 7, 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	Liotta	Bates	Tohlen, COT
Carnes		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	
Edwards		Miller	
Leighty		Wilkerson	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, November 2, 2012 at 9:50 a.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 welcomed Mr. Carnes and Mr. Edwards back to the TMAPC after recovering from illnesses.

Director's Report:

Ms. Miller reported on the September 2012 TMAPC Receipts. Ms. Miller reported that there was a 65% increase in PUDs and plan reviews from last month and September 2011.

Ms. Miller reported that on November 28, 2012 there will be a work session, which is the continuation of the previous works session held on October 3, 2012 to discuss the Form-Based Code and Regulating Plan.

Ms. Miller reported that she will be presenting a proposal on the Comprehensive Plan Amendment process and discuss it at the November 28, 2012 work session as well.

Ms. Miller reported that the Brady Art’s District Plan, which is a small area plan, will be presented at the November 28th work session. She further reported that the Zoning Code Consultant will give a report on November 28th during the reports at the beginning of the TMAPC Meeting.

Ms. Miller reported on the BOCC and City Council Agendas.

* * * * *

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

* * * * *

Minutes:

Approval of the minutes of September 5, 2012 Meeting No. 2633

On **MOTION** of **PERKINS** the TMAPC voted 8-0-1 (Covey, Dix, Edwards, Leighty, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; Carnes “abstaining”; Liotta “absent”) to **APPROVE** the minutes of the meeting of September 5, 2012, Meeting No. 2633.

Minutes:

Approval of the minutes of September 19, 2012 Meeting No. 2634

On **MOTION** of **PERKINS** the TMAPC voted 8-0-1 (Covey, Dix, Edwards, Leighty, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; Carnes “abstaining”; Liotta “absent”) to **APPROVE** the minutes of the meeting of September 5, 2012, Meeting No. 2634.

Minutes:

Approval of the minutes of October 3, 2012 Meeting No. 2635

On **MOTION** of **PERKINS** the TMAPC voted 8-0-1 (Covey, Dix, Edwards, Leighty, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; Carnes “abstaining”; Liotta “absent”) to **APPROVE** the minutes of the meeting of October 3, 2012, Meeting No. 2635.

* * * * *

Mr. Walker indicated that Items 14, 19 and 22 will be removed from the consent 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.

4. **LS-20555** (Lot-Split) (County) - Location: Northwest corner of West 34th Street South and South 65th West Avenue
5. **LS-20556** (Lot-Split) (CD-4) - Location: Northwest corner of East 14th Street South and South Delaware Avenue
6. **LS-20557** (Lot-Split) (CD-6) - Location: North of the intersection of North 105th East Avenue and East Ute Street
7. **LS-20558** (Lot-Split) (CD-7) - Location: Northwest corner of East 69th Street South and South 71st East (Related to LC-434)
8. **LC-434** (Lot-Combination) (CD-4) - Location: North of the northwest corner of East 69th Street South and South 71st East Avenue (Related to LS-20558)
9. **LS-20559** (Lot-Split) (CD-9) - Location: Southwest corner of East 42nd Street South and South Owasso Avenue
10. **LS-20560** (Lot-Split) (CD-4) - Location: Southeast corner of South Norfolk Avenue and East 4th Street South (Related to LC-435)
11. **LC-435** (Lot-Combination) (CD-4) - Location: East of the southeast corner of South Norfolk Avenue and East 4th Street South (Related to LS-20560)
12. **LS-20561** (Lot-Split) (County) - Location: South of the southwest corner of East 116th Street North and North 44th East Avenue (Related to PUD-717-1)
13. **LC-436** (Lot-Combination) (CD-4) - Location: Northwest corner of East 5th Street South and South Norfolk Avenue
14. **LS-20562** (Lot-Split) (CD-8) - Location: East of the southeast corner of South Yale Avenue and East 101st Street South (Related to PUD-516-C-2) (Removed from the Consent Agenda)

15. **LC-437** (Lot-Combination) (CD-5) - Location: East of the northeast corner of South Joplin Avenue and East 15th Street South

16. **Bethel Indian Christian Assembly – Final Plat**, Location: South of East 131st Street South, west of South Peoria Avenue (County)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on .771 acres.

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

17. **QuikTrip Store # 0090R – Final Plat**, Location: Northwest corner of East 11th Street South and South Utica Avenue (9306) (CD 4)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 2.8 acres.

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

18. **PUD-288-14 – Barron & McClarry CG, Inc./Kurt Barron**, Location: North of the intersection of East 27th Place South at South Birmingham Avenue, Requesting a **Minor Amendment** to decrease the rear yard setback from 30 feet to 9.9 feet, **RS-2/PUD-288**, (CD-4)

STAFF RECOMMENDATION:

Eight Acres is a private gated community developed in 1982. During the history of the project this is the 14th request for a minor amendment. Every minor amendment has been to request a front or rear yard setback reduction. The smallest rear yard setback was approved in 1983 which was approved for a four-foot rear yard setback. In every instance the minor amendments have been approved.

The applicant is requesting a minor amendment to decrease the rear yard setback from 30' to 9'-9". In 1998 the same lot requested a rear yard setback reduction from 35' to 30'

The original project development included construction of a masonry wall around the entire perimeter of the site. The proposed minor amendment if allowed would place a building corner within 9'-9" of the perimeter masonry wall.

In Section 1107.H.9 of the Zoning Code the Planning Commission is provided authority to make minor amendments for "changes in structure heights, building setbacks, yards, open spaces, *building coverage* and lot

widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the original PUD and 13 previous requests and determined that this reduction substantially alters the original PUD dimensional requirement however it is consistent with the spirit and intent of the PUD and existing development as it exist today.

Staff has also reviewed the relationship between the adjacent property owners and this rear yard reduction and determined that the visual impact of the perimeter fence will screen the reduced internal building setback from properties across the street. This reduced setback and is far enough away from internal boundaries not to be a negative impact. The Eight Acres Board which regulates internal private guidelines has approved this request.

Therefore, Staff recommends **APPROVAL** of the request for a reduction of the building setback line from 30’ to 9-9”

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

19. **PUD-300-9 – Ray Toraby**, Location: East of the intersection of East 81st Street South at South Sheridan Avenue, Requesting **Minor Amendment** to add a second sign with no request for additional display surface area, **CS/PUD-300**, (CD-8) (Removed from the Consent Agenda)

20. **PUD-717-1 – Sack and Associates, Inc./Mark Capron**, Location: Southwest corner of the intersection of East 116th Street North at South Highway 75, Requesting **Minor Amendment** for allocation of floor space in Development Area B to facilitate a lot-split, **IL/PUD-717**, (County) (Related to LS-20561)

STAFF RECOMMENDATION:

“75 North Center” is a 22-acre tract that was originally approved for a multi use PUD in 2005. This minor amendment is limited to Development Area B in the PUD and is requested in conjunction with a lot-split which requires an allocation of 120,000 square feet of floor area allowed.

The request is technical in nature and does not affect the original intent of the PUD and is provided as a land management issue. The lot-split and associated floor area is allocated as follows:

Original Development Area B included 14.68 acres/120,000.00 square feet.

Proposed Tract A: 7.18 acres +/- 85,000 square feet

Proposed Tract B: 7.50 acres +/- 35,000 square feet

In Section 1107.H.1 of the Zoning Code the Planning Commission is provided authority to make minor amendments for “adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

In staff’s opinion this request does not substantially alter the original PUD; therefore staff recommends **APPROVAL** of the request outlined above.

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

21. **PUD-619-C-4 – Kinslow, Keith & Todd/Nicole Watts**, Location: West side of South Memorial Drive at East 106th Street South, Requesting **Minor Amendment** for additional floor area and allocates floor area to all of the lots in the subdivision, **RS-3/AG/CS/PUD-619**, (CD-8)

STAFF RECOMMENDATION:

Memorial Commons is a 34.3-acre tract that was originally approved for a commercial use PUD in 2008. This minor amendment requests additional floor area and allocates floor area to all of the lots in the subdivision.

The request is technical in nature and does not affect the original intent of the PUD. The associated floor area is summarized as follows:

Original Total floor area allowed:

333,433.65 square feet (individual sites were not allocated in the original PUD)

Proposed Total Floor area for “The Vineyard on Memorial”:

381,781.50 square feet (14.5% additional)

Allocated as follows and as defined in “The Vineyard on Memorial”:

Lot-1, Block-1	116000.00 square feet
Lot-1, Block-2	53,000.00 square feet
Lot-2, Block-2	10,000.00 square feet
Lot-3, Block-2	9,000.00 square feet
Lot-4, Block-2	9,000.00 square feet
Lot-5, Block-2	9,000.00 square feet

Lot-1, Block-3	83,131.50 square feet
Lot-2, Block-3	61,150.00 square feet
Lot-1, Block-4	5,000.00 square feet
Lot-1, Block-5	26,000.00 square feet

In Section 1107.H.1 of the Zoning Code the Planning Commission is provided authority to make minor amendments for “adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

In staff opinion this request does not substantially alter the original PUD; therefore, Staff recommends **APPROVAL** of the request outlined above.

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

22. **PUD-516-C-2 – Roy D. Johnsen**, Location: South side of East 101st Street South and east of South Yale Avenue, Requesting **Minor Amendment** for floor area allocation related to a lot-split and to allow cross parking within the PUD, **RS-4/OL/CS/PUD-516** (CD-8) (Related to LS-20562) (Removed from the Consent Agenda)

23. **PUD-766 – CSRS/Donnie Nauck**, Location: West of Yale Avenue and south of Interstate 44 (I-44), Requesting a **Detail Site Plan** for a new Raising Cane’s restaurant, **CH/PUD-766**, (CD-9)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new Raising Cane’s restaurant in of PUD-766. The following uses are permitted in this development area: Use Unit 10 (off street parking), Use Unit 11 (offices, studios and support services), Use Unit 12 (eating establishments other than drive in), Use Unit 13 (convenience goods and services), Use Unit 14 (shopping goods and services), Use Unit 19 (hotel, motel and recreation)

PERMITTED USES:

The Site Plan provided as an attachment to this staff report illustrates a new restaurant (Use Unit 12) which is permitted by right in Lot 7 of PUD-766.

DIMENSIONAL REQUIREMENTS:

The new building is shown on the plan is a 3600 square foot structure. The submitted site plan meets all applicable building height, floor area,

density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this site plan.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

LIGHTING:

Parking lot lighting will be directed down to help prevent light trespass into the adjacent properties. Maximum height of all light fixtures in this development area was previously defined as 30'. All fixtures illustrated on the lighting plan including building lighting and parking area lighting are below the 30' height limit allowed. The photometric plan attached to this report shows zero foot candles at the property perimeter and is consistent with the lighting concept in the Planned Unit Development.

SIGNAGE:

The site plan illustrates ground sign locations and is appropriately located. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the Planned Unit Development Section of the Zoning Code.

The trash screening enclosure exceeds the minimum screening standards defined in the PUD and is located appropriately on this site.

PEDESTRIAN ACCESS AND CIRCULATION:

Appropriate sidewalk plans have been provided on the site plan connecting to the building entrances from the arterial street sidewalk system.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area as it relates to the terrain modifications.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved Planned Unit Development 766. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development 766, and the stated purposes of the Planned Unit Development of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new commercial project.

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

Items 14, 19 and 22 will be moved to Consideration of Items Removed from the Consent Agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the consent agenda Items 4 through 13, 15 through 18, 20, 21 and 23 per staff recommendation.

* * * * *

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

- 14. **LS-20562** (Lot-Split) (CD-8) - Location: East of the southeast corner of South Yale Avenue and East 101st Street South (Related to PUD-516-C-2)

Applicant indicated his agreement with the staff recommendation.

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, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the lot-split for LS-20562 per staff recommendation.

* * * * *

19. **PUD-300-9 – Ray Toraby**, Location: East of the intersection of East 81st Street South at South Sheridan Avenue, Requesting **Minor Amendment** to add a second sign with no request for additional display surface area, **CS/PUD-300**, (CD-8)

STAFF RECOMMENDATION:

Square One Shopping Center (PUD 300) was originally approved in 1982. Eight minor amendments have been requested in the 30-year time life of the project. The original PUD allowed one ground sign along the 325-foot frontage on 81st for this development area and has been granted 380 square feet of display surface area. The existing sign is a monument style sign.

The applicant is requesting a minor amendment to add a second sign with no request for additional display surface area. The sign reference in the PUD Section of the Zoning Code requires 100' spacing between ground signs and 50' from residential boundaries.

In Section 1107.H.12 of the Zoning Code the Planning Commission is provided authority to make minor amendments for “modifications to approved signage provided the size, location, number and character (type) of the signs are not substantially altered”.

Staff has reviewed the original PUD and previous amendments and determined that this additional sign is consistent with the spirit and intent of the PUD and existing development as it exist today; therefore a minor amendment request is appropriate.

Therefore, staff recommends **APPROVAL** of the request for a minor amendment with the following conditions.

- 1) The proposed new sign shall not be placed inside any existing utility easements. No license agreement will be allowed at this location. If the sign is placed in the parking area appropriate paving will be replaced and new curb installed with a minimum landscape area around the sign of five (5) feet in all directions
- 2) The measurement from the center of the original monument sign to the center of the proposed new sign shall be a minimum of 100 feet.
- 3) The center of the proposed new sign shall be a minimum of 75 feet from the adjacent single-family residential boundary.

- 4) All illumination will be static back-lit style; LED signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with moving parts shall be prohibited.
- 5) The monument portion of the sign will not be back-lit. The only allowable back-lit areas will include the logo, name plate and other permanent style lettering.

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

Applicant's Comments:

Ray Toraby, 7115 East 81st Place, 74133, representing Chimi's Restaurant, stated that he is in agreement with the staff recommendation.

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, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** minor amendment for PUD-300-9 per staff recommendation.

* * * * *

22. **PUD-516-C-2 – Roy D. Johnsen**, Location: South side of East 101st Street South and east of South Yale Avenue, Requesting **Minor Amendment** for floor area allocation related to a lot-split and to allow cross parking within the PUD, **RS-4/OL/CS/PUD-516** (CD-8) (Related to LS-20562)

STAFF RECOMMENDATION:

101 Yale Village is an office tract that was originally approved as a PUD in 2008. The minor amendment request consists of two items.

- 1) Floor area allocation related to a requested lot-split. The applicant has not requested additional floor area but is required to allocate floor area to all of the lot-split tracts. The associated floor area is summarized as follows:

Original Total floor area allowed in Development Area B:
12,900 square feet.

Allocated as follows and as defined in the lot-split:

Building Tract 1	3,630.00 square feet
Building Tract 2	3,635.00 square feet
Building Tract 3	3,635.00 square feet
Building Tract 4	2,000.00 square feet

In Section 1107.H.1 of the Zoning Code, the Planning Commission is provided authority to make minor amendments for “adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

- 2) Allow cross parking within the PUD. No reduction in the overall parking requirement as defined in the Zoning Code is requested; however, a common parking area will be provided for all four buildings. The common parking area is contained totally within PUD-516.

In Section 1106 of the Zoning Code the Planning Commission is provided authority to allow common parking areas among other items “Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve.”

Shared parking is a strong concept encouraged in the Comprehensive Plan. This request is in conformance with the spirit and intent of the original PUD.

Staff is confident that the two requests do not substantially alter the concept of the original PUD, and therefore, recommends **APPROVAL** of the request outlined above.

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

Applicant’s Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing the developer of the subject project, stated that this proposal is consistent with the site plans that were previously approved for the four buildings.

INTERESTED PARTIES COMMENTS:

Debbie Brubaker, 1211 West Reading Street, 74127, representing Faith Christian Fellowship, stated that the church is adjacent to the subject property and expressed concerns that “shared parking” meant that the church’s parking lot would be used. Mr. Walker informed Ms. Brubaker that it does not.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none “abstaining”; Liotta "absent") to **APPROVE** the minor amendment for PUD-516-C-2 per staff recommendation.

* * * * *

PUBLIC HEARINGS:

- 24. **CBOA-2443 – Plat Waiver**, Location: North of northwest corner of East Pine Street and North Yale Avenue (2329) (County)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Board of Adjustment case for a fiber optic cable facility.

Staff provides the following information from TAC for their October 18, 2012 meeting:

ZONING:

TMAPC Staff: A lot-split has been approved for the site and no dedications are required.

STREETS:

Right-of-way per County Engineer appears to be adequate. Sidewalks per County requirements.

SEWER:

No comment.

WATER:

Outside City service area.

STORMWATER:

No comment.

FIRE:

Fire hydrant required within 400 feet of any part of the structure (as the hose lies).

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the property per County Engineer agreement.

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

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

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

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

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

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

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 **COVEY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to recommend **APPROVAL** of the plat waiver for CBOA-2443 per staff recommendation.

* * * * *

- 25. **PUD-761-B – Lou Reynolds** - Location: Southeast corner of East 41st Street and South Harvard Avenue, Requesting a **Major Amendment** to permit the development of a specialty grocery store accompanied by a retail development, and a fast food restaurant with a drive-through in a separate building next to proposed grocery store, from **RS-1/OL/CS/PUD-761-A to RS-1/OL/CS/PUD-761-B**, (CD-9) (Related to Harvard Square South Amended Preliminary Plat)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22302 dated September 17, 2010, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-761-A September 2010: All concurred in approval of a Major Amendment to Planned Unit Development on a 6.87± acre tract of land to permit dry cleaner use on Lot 4 and amend some development standards, on property located Southeast corner of East 41st Street South and South Harvard Avenue and the subject property.

PUD-761 December 2008: All concurred in approval of a proposed Planned Unit Development a 6.87± acre tract of land for a neighborhood shopping center (Harvard Square) on property located on the southeast corner of East 41st Street and South Harvard Avenue and the subject property.

PUD-642 February 2001: All concurred in approval of a proposed Planned Unit Development on a 1.89± acre tract of land for office development on property located south of the southeast corner East 41st Street South and South Harvard Avenue and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5± acres in size and is located southeast corner of East 41st Street and South Harvard Avenue. The property appears to be partially developed and vacant, and is zoned RS-1/OL/CS/PUD-761-A.

SURROUNDING AREA: The subject tract is abutted on the east by Villa Grove a single family residential subdivision, zoned RS-1; on the north by 41st Street and then "41st Place" a commercial parcel, zoned CS/OL/RS-3/ PUD-592-C; on the south by Peachtree Square Replat L5-6 Block 1 Villa Grove Heights No. 1, zoned OL/ RS-1/PUD-642; and on the west by Harvard Avenue and then Charles Teel Addition and Quadrangle Addition, zoned CS/OL respectively.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard Ave and East 41st Street South as Multi-modal Street. Provisions will be made on this site for a bus shelter on South Harvard Ave. The interconnectivity component of the comprehensive plan was dismissed prior to this major amendment.

Physical obstructions including concrete fences and landscape screening were implemented to segregate the adjacent property uses from the commercial area in this Planned Unit Development. As a result of previous decisions the interconnectivity goals of the comprehensive plan cannot be met at this time.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary Arterial	100'	4
East 41st Street South	Secondary Arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This entire PUD development has been the subject of zoning and PUD applications several years ago and was approved for commercial use. The neighborhood has been heavily involved during the re-development of this site which has resulted in significant improvements over minimum screening and landscape requirements provided in the Zoning Code. Those screening and buffer requirements have been installed and will remain in place or be expanded with this new development area. The underlying zoning will not be changed as part of this project and is still consistent with the Comprehensive Plan. Staff has historically supported the commercial development of this Neighborhood Center and continues to support that use.

The entire site is considered a Neighborhood Center / Existing Neighborhood and an Area of Growth in the Comprehensive Plan.

The Neighborhood Center is defined by the Comprehensive Plan as “small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to a number of destinations”.

The original PUD 761 was approved after the mapping of the Land Use Plan in the 2010 Comprehensive Plan; therefore the existing neighborhood designation does not accurately reflect the current commercial development of the site.

While this project does not include any residential uses and all buildings are limited to single story construction, the remainder of the development aligns with the “Neighborhood Center” vision defined in the Comprehensive Plan. Interior pedestrian links will be provided which encourage pedestrian movement within the PUD and provide adequate connectivity to the arterial street sidewalk system. The transit stop on Harvard will also provide a strong transit use opportunity for future users.

The proposal in this major amendment to the PUD is supported by the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff finds PUD-761-B to be: 1) Consistent with the Comprehensive Plan; 2) in harmony with the existing and expected development of surrounding areas; 3) a unified treatment of the development possibilities of the site; 4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and 5) consistent with the overall guiding principles of the original PUD that was approved for the site.

Therefore, staff recommends **APPROVAL** of PUD-761-B subject to the following development standards and concept illustrations:

HARVARD SQUARE SOUTH AMENDED

**Planned Unit Development No. 761-B
Table of Contents**

	Page
DEVELOPMENT CONCEPT	3
DEVELOPMENT STANDARDS	7
LANDSCAPING AND SCREENING CONCEPT	15
ACCESS AND CIRCULATION	17
ENVIRONMENTAL ANALYSIS	18
SITE PLAN REVIEW	20
SCHEDULE OF DEVELOPMENT	20

DEVELOPMENT CONCEPT

Harvard Square South Amended has been planned as a Major Amendment to the Harvard Square development concept approved in PUD 761 to permit the development of a specialty grocery store accompanied by a retail development, in a separate building, next to such grocery store (on proposed Lot 2) and a future development lot (on proposed Lot 1) in the yet to be developed portion of Harvard Square South.

Harvard Square South Amended retains the prohibition against gasoline service stations which eliminates a possible convenience store use of the Property and limits the hours of operation of the businesses in order to assure a compatible relationship with the nearby neighborhoods.

In addition, Harvard Square South Amended retains the original exclusion on uses set forth in PUD 761-A (see Permitted Uses, page 9). Harvard Square South Amended increases the allowable building size and amends the building heights which were kept unusually low in the original Harvard Square development concept to permit a 26,000 SF specialty grocery and a separate 7,200 SF multi-tenant retail building adjoining such grocery use. Harvard Square South Amended proposes within one hundred feet nine (109 FT) of the east boundary a building height exclusive of parapet not to exceed 19 FT (with up to 23 FT for unoccupied architectural features) in height and in the remainder of the Project a 32 FT (with up to 39 FT for unoccupied architectural features) height restriction applies.

The Concept Plan for Harvard Square South Amended is shown on Exhibit "A", and Exhibit "B" is an Aerial Photograph indicating area land uses and the Harvard Square South Amended site. Mutual access easements will provide access between Harvard Square South and Harvard Square South Amended. Through such mutual access easements, the two (2) lots in Harvard Square South Amended will have access to and from East 41st Street through Harvard Square South. Additionally, through such mutual access easements, the lots within Harvard Square South will have access to and from South Harvard Avenue as well as Harvard Square South Amended. The Project does not require and/or propose any additional access points off either South Harvard Avenue or East 41st Street.

The Project will be connected to South Harvard Avenue and East 41st Street by sidewalks. Additionally, sidewalks within the Project will provide pedestrian connectivity within the Project as well as to and from Harvard Square South. Also, a public transportation transit stop is proposed along South Harvard Avenue.

The Applicant will re-plat all such remaining undeveloped land as Harvard Square South Amended (i.e., Development Area "C") into two (2) lots in order to facilitate the development of Property in accordance with PUD No. 761-B. No zoning change is necessary to support PUD 761-B.

In order to reduce the likelihood of any ambiguity created by the proposed development, PUD 761-B divides Harvard Square South into three (3) Development Areas.

Development Area "A" has been developed as a CVS pharmacy and Development Area "B" has been developed as a Yale Cleaners. Development Area "C" will be developed as proposed herein. No changes are proposed to the development standards for Development Area "A" and Development Area "B" but PUD 761-B will allocate the Building Floor Area within Development Area "A" and Development Area "B" as provided on page 7 and page 8 below.

Development Area "A" is comprised of all of Lot 1, Block 1, HARVARD SQUARE SOUTH. Development Area "B" is comprised of the northerly 225 FT (more or less) of Lot 4, Block 1, HARVARD SQUARE SOUTH. The southerly 137 FT (more or less) of Lot 4, Block 1, HARVARD SQUARE SOUTH, is included in Development Area "C" and will be lot split from Lot 4, Block 1, HARVARD SQUARE SOUTH, and replatted as a part of HARVARD SQUARE SOUTH AMENDED.

In order to develop the Project as proposed in PUD 761-B, the Applicant requests that the following development standards within Development Area "C" be amended:

MAJOR AMENDMENTS

1. Maximum Building Floor Area of any single building:
To 26,000 SF from 22,500 SF.
2. Maximum Building Height:
 - a. Within 109 FT of the east boundary;
Finished flat roof height: To 19 FT from 17 FT
Unoccupied architectural features including building parapet: 23FT (i.e., no change).
 - b. Remainder of Harvard Square South Amended:
Finished flat roof height: To 32 FT from 23 FT.
Unoccupied architectural features: To 39 FT from 29 FT.

MINOR AMENDMENTS

1. Off-Street Parking:
Off-street parking within PUD 761-B will be met, in the aggregate, based on the number of parking spaces within the project rather than on a lot by lot basis.
2. Lot-Split:
Lot 4, Block 1, HARVARD SQUARE SOUTH, will be split and all of the property within PUD 761-B will be replatted as Harvard Square South Amended.

3. **Building Landscaping:**
Instead of landscaping along the front or sides of buildings, landscaping will be installed in the parking islands and planting beds in accordance with the conceptual landscape plan similar to exhibit C.
4. **Internal Minimum Building Setbacks:**
Will be reduced but the Building Setbacks for the east boundary, west boundary (i.e., centerline of South Harvard) and south boundary of the Project will not be changed and will remain the same as originally established in PUD 761-A.
5. **Architectural Theme:**
The Prairie-style architecture of the commercial buildings will utilize basic geometric shapes in combination with design elements such as horizontal roof planes capped by sloping roof features, natural colors and materials. The dark colored brick veneer wainscot and pilasters provide a natural anchor and massing effect that represents strength and stability of the architecture. The basic geometric forms, when combined with the natural earth tone colors and materials, evoke the symbolism of the prairie and spirit of mid-western culture.
6. **Building Materials:**
The revised building materials will consist of earth-tone colored brick veneers directly applied over the concrete tile panel walls. The brick veneers will occur on all exposed sides of the buildings and the building parapet will be capped with a horizontal, framed crown molding cornice to emphasis the linear roof -building forms. In addition, main entry, tower or accent features will be capped with a pediment/sloped roof feature with naturally colored standing seam metal roof material.

DEVELOPMENT STANDARDS
Development Area "A"

Land Area:

Gross:	2.234 acres	97,295 SF
Net Land Area:	1.516 acres	66,047 SF

Maximum Building Floor Area: 17,400 SF

There are no other changes to the Development Standards for Development Area "A".

Development Area “B”

Land Area:

Gross:	1.459 acres	63,555 SF
Net Land Area:	1.194 acres	52,000 SF

Maximum Building Floor Area: 5,000 SF

There are no other changes to the Development Standards for Development Area “B”.

Development Area “C”

Land Area:

Gross:	4.565 acres	198,855 SF
Net Land Area:	4.157 acres	181,091 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses,

Excluding however, the following uses:
Pawn Shops, Pay Day Loan Offices, Tobacco Stores, Tattoo Parlors, Body Piercing Parlors, Self-Serve Laundromats, ~~More Than One (1) Drive-Through Restaurant~~, Apartments, Auto Alarms Installation, Auto Parts and Accessories, Auto Radio and Stereo Installation, Auto Window Tinting, Bail Bond Office, Bars, Building Materials, Dance Halls, Day Labor Hiring, Electrical Supply, Gasoline Service Station, Gunsmith, Locksmith, Massage Parlor, Multi-Family Dwellings, Nightclubs, Oil & Lubrication Service, Plumbing Fixtures, Pool Halls, Second Hand Store, Shoe Repair, Taverns, Tune-Up Service and Video Rentals.

Business Hours:

The opening of any business shall not occur before 6:00 a.m. and the businesses shall close by 11:00 p.m.

Truck Delivery Hours:

Truck delivery hours will be restricted to 7:00 a.m. to 9:00 p.m. No idling of trucks or trash dumpster service shall be allowed between the hours of 9:00 p.m. and 7:00 a.m.

Maximum Building Floor Area:

Harvard Square South Amended	39,400 SF
Lot One:	6,000 SF
Lot Two:	33,400 SF

26,000 SF – grocery store
7,400 SF - retail center

*The maximum gross building floor area of any single building on a lot with Harvard Square South Amended shall not exceed 26,000 FT.

Maximum Building Height:

Lot One:	32 FT
Lot Two:	
Within 109 FT of east boundary	19 FT*
Remainder of Lot Two	32 FT**

*Architectural Elements (elements extending above building roof line) up to 23 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

**Architectural Elements (elements extending above building roof line) up to 39 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

Off-Street Parking:

Pursuant to Section 1106., Off-Street Parking and Loading., of the Tulsa Zoning Code, off-street parking on the lots in Harvard Square South Amended will be in common and when calculated in the aggregate will provide at least the minimum number of off-street parking spaces as required by the applicable Use Units of the Tulsa Zoning Code for all of the lots in Harvard Square South Amended. Provisions for the ownership and maintenance of the off-street parking will be incorporated into the subdivision plat in compliance with Sub-Section 1107.F., Planned Unit Development Subdivision Plat., of the Tulsa Zoning Code.

Minimum Building Setbacks:

Lot One:	
From the north boundary	10 FT

From the east boundary	10 FT
From the south boundary	10 FT
From the centerline of South Harvard Avenue	125 FT

Lot Two:

From the north boundary	0 FT
From the east boundary	75 FT
From the south boundary	45 FT
From the centerline of South Harvard Avenue	125 FT

For purposes of calculating the street yard, the building setback on South Harvard Avenue shall be considered to be 100 FT.

Landscape Area:

A minimum of 18% of the total net area of the Project shall be improved as internal landscape open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The minimum landscaped area of each lot shall be established at Detailed Site Plan review and similar or greater than exhibit C.

Signs:

1. One ground sign shall be permitted on each lot with frontage on South Harvard Avenue with a maximum 60 SF of display surface area and 12 FT in height.
2. Wall signs are permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
 - a. No east or south facing wall sign shall be permitted in Lot 2, Block 1 of Development Area C as illustrated on exhibit L.
 - b. No east facing wall signs will be prohibited on the east side of Lot 1 Block 1 Development Area C
3. One monument sign at the southeast corner of South Harvard Avenue and East 41st Street South identifying businesses within the Project with a maximum height of 6 FT and a maximum length of 16 FT.
4. LED signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with moving parts shall be prohibited.

5. Pole signs shall be prohibited. Additionally, if any ground sign has twenty-four (24) inches or more of open space between the bottom of the sign facing the ground such open space between the bottom of the sign facing the ground shall be landscaped. The primary building materials of the monument-type ground sign structure shall be brick or stone.

Lighting:

Within the east 150 FT of the Project, light standards shall not exceed 12 FT in height; within the remainder of the Project, light standards shall not exceed 25 FT in height. All light standards including building mounted shall be hooded and directed downward and away from the boundaries of the Project. 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 adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula or other Illuminating Engineering Society of North America (IESNA) recommended practice which will verify compliance with the Tulsa Zoning Code lighting standards. Consideration of topography must be considered in the calculations.

Trash and Mechanical Areas:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Additional Development Standards:

1. No access shall be permitted to or from the Project to or from South Jamestown Avenue.
2. The principal building materials used on the front of a building shall be used on all other sides of the building, although the design and details may vary.

Minor Amendments:

In addition to the requirements outlined for Minor Amendments in Section 1107-H of the Tulsa Zoning Code, all amendments to PUD 761-B, whether major or minor, shall in addition to TMAPC approval also require City Council approval, except for the following amendments which shall continue to be treated as Minor

Amendments under the Tulsa Zoning Code and require only TMAPC approval:

1. Limitation or elimination of previously approved uses provided the character of the development is not substantially altered.
2. Transfers of permitted floor area between lots; provided that no floor area of any lot shall exceed the Development Standard maximum of 33,400 SF, and, provided, further, that the maximum gross building floor area of any single building on a lot within Harvard Square South Amended shall not exceed 26,000 SF.
3. Changes in points of access provided the traffic design and capacity are not substantially altered; provided, further, that the total number of access points is not increased.
4. Changes in yards, open spaces, building coverage and lot widths or frontages, provided that the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered, provided that no floor area in any lot shall exceed the Development Standard maximum of 33,400 SF, and, provided, further, that the maximum gross building floor area of any single building on a lot within Harvard Square South Amended shall not exceed 26,000 SF.
5. Lot-splits which modify the recorded plat and have been reviewed and approved by the Technical Advisory Committee.
6. Modification to approved screening and landscaping plans provided the modification is not a substantial deviation from the original approved plan; provided, further, that there is no reduction in the number of trees or overall landscaping.
7. Any change in the Permitted Uses to allow more than one (1) drive-through restaurant in the PUD.

LANDSCAPING AND SCREENING CONCEPT
Development Area "C"

The Project landscaping and screening concept will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape and establish a 35 FT wide landscape

buffer separating the Project from the existing residences on South Jamestown Avenue adjacent to the Project on the east (See “Exhibit C” – Landscape Concept).

EAST AND SOUTH BOUNDARY SCREENING:

An eight-foot high pre-cast masonry screening wall is in place along the east boundary of the Project. An eight-foot pre-cast masonry screening wall transitioning to six-foot in height is in place along the south boundary of the Project.

EAST BOUNDARY LANDSCAPING:

Much of the east boundary landscaping shown on Exhibit “C” is in place today; however, twelve (12) trees will be added as shown on “Exhibit C”, Landscape Concept. Finally, as illustrated on Exhibit “C” a very dense mix of flowering, deciduous and evergreen trees will be installed along the south boundary of the Project.

SOUTH BOUNDARY LANDSCAPING:

Where parking lots and drives are parallel to the street right-of-way, a minimum of three (3) shrubs for every ten (10) lineal feet of abutment to the right-of-way will be provided. The shrubs will be placed adjacent to and along the entire width of paving adjacent to the right-of-way, which shrubs are in addition to the required landscaping under Chapter 10 of the Tulsa Zoning Code. The shrubs will be a minimum of five (5) gallons and twenty-four (24) inches tall at the time of planting.

STREET YARD LANDSCAPING:

At least five (5) of the street yard trees along South Harvard Avenue shall be evergreen; provided, all of the trees in the street yard shall comply with the applicable PSO guidelines. These evergreen trees shall be in addition to the ornamental trees shown on the concept illustration.

Any parking lot tree planted within five (5) of the internal boundary of a lot within PUD-761-B may be counted as one (1) tree for either lot, but not both lots; provided, that in no event shall the total number of parking lot trees within PUD-761-B be less than forty-five (45) trees.

BUILDING AND PARKING LOT LANDSCAPING:

In lieu of building landscaping, landscaping will be installed in the parking islands in Harvard Square South Amended. Additionally, several planting beds will be installed on the front (west) side of the specialty grocery building and the retail building on proposed Lot 2.

ACCESS AND CIRCULATION

Development Area "C"

Although designed for neighborhood shops, the Project has excellent regional access to the Broken Arrow Expressway approximately 1-½ miles to the north and from the Skelly Expressway less than 1 mile to the south.

At the intersection of East 41st Street and South Harvard Avenue, the Project is well located for neighborhood convenience over the Tulsa arterial street system.

Sidewalks will provide pedestrian access with good connectivity throughout the Project. Internally, mutual access and parking easements will provide for appropriate and convenient parking for visitors to more than one store or restaurant within Harvard Square South Amended as shown on "Exhibit H", Access and Circulation Plan.

ENVIRONMENTAL ANALYSIS

Development Area "C"

The Project is located south of the southeast corner of East 41st Street and South Harvard Avenue. "Exhibit I" indicates the Site Map Boundaries, Topography and Drainage Concept.

Topography:

The Project site dimensions and topography are shown on Exhibit "I", Topography and Drainage Concept. The 4.157 acre tract falls generally from the northeast to the south and west toward an existing underground detention facility at the southwest corner of the Project along South Harvard Avenue. The site topography rises from approximately 716 FT above mean sea level at the lowest point about 110 FT north of the southwest corner to an elevation of 719 FT above mean sea level at the northwest corner and 722 FT above the mean sea level in the northeast corner, and 721 FT above mean sea level in the southeast corner.

Utilities:

An existing 6 in. water line lies along the east side of South Harvard Avenue and connects with an existing 12 in. water line that runs along the south side of East 41st Street. A new 8 in. water line will be extended from Harvard Avenue south of the specialty grocery building, and then routed north to tie into an existing 12 in. city water line within the East 41st Street right-of-way, forming a looped

water line. Fire hydrants will be installed on this loop line for fire protection to the proposed buildings to be constructed upon proposed Lot 2.

An existing 8 in. sanitary sewer line is located along the east side of South Harvard Avenue and has sufficient depth to allow Lots 1 and 2 to be served. Another 8 in. sanitary sewer line enters the site from the east approximately 315 FT south of East 41st Street. A portion of this line will be abandoned due to conflicts with the proposed retail building.

The Existing and Proposed Utilities are shown on Exhibit “J”.

Other utilities, including electricity, gas, telephone and cable television are currently available for the site.

Drainage:

An existing underground stormwater detention facility on Lot 2 has the capacity to detain the increased and run-off created by the Project.

Soils:

The site soils are comprised entirely of Coweta Urban Land – Eram Complex. The soil complex is characterized by shallow bedrock and a high shrink/swell potential. The strength of the soil is considered low and will need to be stabilized before parking lot and building construction begins.

Area Zoning:

The Area Zoning Map is shown on “Exhibit L”, Zoning Map.

SITE PLAN REVIEW
Development Area “C”

No building permit shall be issued for any building within the Project until a Planned Unit Development Detailed Site Plan and Detailed Landscape Plan for that lot or parcel had been submitted to Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved planned unit development standards

SCHEDULE OF DEVELOPMENT

Development within the Project is scheduled to begin in early 2013 after final approval of the Planned Unit Development, Detail Site Plan approval and the re-platting of the Property.

Applicant’s Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that there are two errors in the submittal and he is resubmitting revised pages, revisions are in red ink. Mr. Reynolds stated that he has removed the request for a drive-through window. Mr. Reynolds further stated that except for windows, doors, and molding, the building will be red, brown and light-brown brick on all four sides. The northerly building has been moved about 16 feet to the west and the results are that the retail portion of the building is over 150 feet from the nearest house and over 120 feet from the property line. The southerly building (grocery store) has been moved ten feet. The height of the building has been brought down to 22 feet, which is below the height in the subject area. The entire store has been moved to the west and over the 100-foot line. The grocery store is more than 100 feet from the property line and more than 175 feet from the nearest house. There will be a third row of trees added to the landscaping. Mr. Reynolds commented that he tried to listen to the neighbors and the comments heard from the staff. The highest point on the building will be the parapet will be at 32 feet and there will be a façade on the west end that will be 38 to 39 feet. Mr. Reynolds stated that the subject building will not be visible by anyone except people from the west and it will be 200 plus feet from the property line.

Mr. Reynolds stated that he met with the neighbors that own the office park to the south and informed them that the subject project wouldn't have a sign on the south boundary. He indicated that the neighbor to the south is happy with the changes.

Mr. Reynolds stated that there will be nine additional trees added to the landscaping. There will be at least four planters with trees in front of the stores. He indicated that the Patrick Henry Homeowners Association and the Ranch Acres Homeowners Association are in agreement with this application and support it.

Mr. Carnes out at 1:57 p.m.

TMAPC COMMENTS:

Mr. Leighty asked why they moved the building. In response, Mr. Reynolds stated that it is what the neighbors wanted him to do and the height could be reduced in the result of moving it to the west. Mr. Reynolds further stated that the building will be about 60 feet from the underground detention line. Mr. Reynolds explained that some of the parking spaces he will be losing have been moved to the east and there isn't as much parking demand by getting rid of the drive-through restaurant concept.

INTERESTED PARTIES COMMENTS:

Steve Novick, 1717 South Cheyenne Avenue, 74119, stated that he representing the Ranch Acres Homeowners Association and the Patrick Henry Neighborhood Association. Mr. Novick further stated that as a result from the continuance that was granted there has been an opportunity for the neighborhoods and their designated representatives to work with the developer and their representatives. Mr. Novick indicated that the neighborhood and applicant worked on an agreement that involves a moratorium on drive-through fast food restaurants, movement of the building, adjustment to the building heights, increased landscaping, and improvement to the building materials. Mr. Novick stated that all of this is in writing and he is authorized by the representative of both neighborhood associations to inform the Planning Commission that they are in support of the agreement that was struck with the developer and the request that they made for PUD-761-B. Mr. Novick commented that this is a good example of how compromise equates to progress and he would like to thank the Planning Commission for giving everyone the opportunity to visit with the developers and carve out an acceptable compromise.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Novick if he was aware of Ms. Kobos's request for a continuance. Mr. Novick stated that he is unaware of her request. Mr. Novick clarified that he is not here on behalf of any individuals. Mr. Novick stated that there are some individuals that may have difference of opinion. To get a 100% agreement of the neighborhoods is a difficult task. Mr. Novick further stated that today's proposal is a product of some polling that took place in the Patrick Henry Neighborhood by their authorized representative and they have indicated the results to him and authorized him on behalf of their Neighborhood Association to sign-off on the revised PUD proposal. Mr. Novick submitted the written agreement between the neighborhoods and the developer (Exhibit A-3).

Elizabeth Alpert, 4130 South Jamestown, 74135, requested a continuance because there are some issues that she just found out after arriving at today's meeting. Ms. Alpert expressed concerns that the drive-through restaurant is being removed from the proposal only to push this through and the developer will come back at a later date to request the restaurant. Ms. Alpert indicated that she would like something that would keep the drive-through out. Ms. Alpert indicated that she didn't receive the information that the neighborhoods agreed on. Ms. Alpert stated that she was aware of the continuance request from Ms. Kobos.

TMAPC COMMENTS:

Mr. Shivel asked Ms. Alpert if she is representing the neighborhood or herself. Ms. Alpert stated that she represents herself. Ms. Alpert further stated that she is a member of the Patrick Henry Neighborhood

Association and it is an important group, but there are people more directly affected who are living next door to the proposal. Ms. Alpert commented that she hopes she wasn't kept off of the mailing list because of her proximity to the situation and feelings.

Ms. Alpert stated that if a continuance is not granted she would like to request that the proposal be denied. She expressed concerns with the height of the buildings, the moratorium on drive-through restaurants, visibility, property values and the possibility to the site lines being incorrect. Ms. Alpert asked would the remedial measures be if her property values are lowered and the site line is incorrect. Ms. Alpert concluded that her biggest concern is the height.

Toni Graber, 4562 South Jamestown, 74135, stated that she didn't send Ms. Alpert the information she received last night because she forgot to forward it to her. Ms. Graber stated that it is her understanding that even though the applicant promised a two-year moratorium on no fast-food restaurants, that doesn't mean that in two years that it can be approved, it means that in two years an application would have to be made and come back before the Planning Commission. Ms. Graber explained that at that time the neighborhood would have an opportunity to express their views on whether there should be a fast-food restaurant. Ms. Graber stated that Harvard Square, as a whole, did meet with Mr. and Mrs. Claxton and Elizabeth Alpert and took their concerns to the neighborhood. The neighborhood association's responsibility is not to represent a few people, but to represent the neighborhood as a whole. Ms. Graber further stated that the neighborhood association does respect Ms. Alpert, Mr. and Mrs. Claxton and Ms. Kobos's opinions. The association took everyone's opinions and tried to get the most for the neighborhood as possible. The neighborhood, as a whole, voted to approve the revised plan.

Applicant's Rebuttal:

Mr. Reynolds stated that he believes the neighborhood had 31 people respond to an email going out to more than 250 people. Ms. Graber stated that 30 responded positively and one said they would go with whatever the homeowners wanted.

Mr. Reynolds stated that the purpose of the screening, reducing building height and changing the parapet walls with a distance of 155 feet is not to just make it invisible, but to buffer the project. Mr. Reynolds further stated that he believes that he has created and established a very intense buffer. The buffer exceeds the vast majority of any commercial buffers that one has seen. This project has the benefit of having ten- and twelve-foot trees that have had two years of growth along the property line. The roof mounted equipment is hidden by the parapet wall. Mr. Reynolds concluded that the parties have been greatly accommodated and he has

listened to the neighbors and their notes from their meetings. Mr. Reynolds clarified that what he has stated is that he would not file an application before this Planning Commission for a minor amendment for a drive-through window for two years.

TMAPC COMMENTS:

Mr. Midget asked Mr. Reynolds if he is excluding the drive-through restaurant. Mr. Reynolds answered affirmatively. Mr. Midget stated that since it is an excluded use, then in two months, two years, or two decades to do a drive-through they would have to come back to the Planning Commission. Mr. Reynolds answered affirmatively. Mr. Midget asked if that would be a major or minor amendment. Mr. Reynolds stated that it would be a minor amendment per the terms of the PUD.

In response to Mr. Leighty, Mr. Wilkerson explained that the PUD was originally approved under the previous Comprehensive Plan and today's proposal cannot meet some of the visions of the new Comprehensive Plan because of what had been previously been approved and what has already been constructed. Mr. Leighty read the Urban Design, Concepts and Principles from the new Comprehensive Plan. Mr. Leighty asked Mr. Wilkerson if today's proposal meets with the section he just read. Mr. Wilkerson stated that it does not meet that particular statement. Mr. Leighty asked Mr. Wilkerson how he can say that it truly is in conformance with the Comprehensive Plan. In response, Mr. Wilkerson stated that in the general sense that this is a neighborhood center and how it will be used. It is not a general attraction, big box store type of development, more at a neighborhood scale and there are a lot of things in the Comprehensive Plan that are in alignment with this particular proposal. Mr. Leighty stated that the development is missing the boat and the Planning Commission has an opportunity to try and create something there. Mr. Leighty believes that the building should be brought up to the same setback that the CVS Pharmacy is meeting to attempt to create some type of street wall.

Mr. Midget stated that he understands the concern regarding a drive-through will pop up at some point. In order to supply some safeguards he would request that drive-through restaurants be treated as a major amendment and that notices will be given out.

Mr. Edwards commended Mr. Reynolds for going back and working with the neighborhood. It was effective and something that the Planning Commission recommends developers to do and he believes that they did an excellent job. Mr. Edwards complimented the associations for compromising and willing to work with the developers. Mr. Edwards stated that he would support this application.

Mr. Dix agreed with Mr. Midget and Mr. Edwards comments. Mr. Dix stated that he wouldn't be in agreement with fast food in the subject development ever. Mr. Dix stated that he is in support of today's revised proposal.

Mr. Perkins commended Ms. Garber for her comments and how she handled herself.

Mr. Dix asked Mr. Wilkerson if the site plan in conformance with the Comprehensive Plan and is it in conformance with all of the Zoning Codes. In response, Mr. Wilkerson stated that it is conformance with all of the Zoning Codes as it stands today and the PUD guidelines that had been previously established, but it is not in strict conformance with the Comprehensive Plan. Mr. Dix stated that a Comprehensive Plan is a plan and guideline. Mr. Wilkerson stated that the only difference between a minor amendment and a major amendment is what happens after it leaves the Planning Commission. The advertising is the same and still comes to the Planning Commission. If it is a major amendment it will go to the City Council and if it is a minor amendment it stays at the Planning Commission. Mr. Leighty asked if a minor amendment is usually on the consent agenda, with no notice.

Mr. Bates stated that minor amendments are noticed to anyone within 300 feet of the subject property and they will receive notification of the hearing.

Mr. Leighty (inaudible).

Mr. Walker stated that Ms. Alpert is probably not happy with this vote, but she has achieved significant concessions from this development. Mr. Walker stated that he will be supporting this application.

Mr. Perkins stated that he will have to abstain because he has business relationship with an adjoining property owner.

Mr. Edwards suggested that staff should give an explanation of what the Comprehensive Plan is and that it is not a document set in stone and it is one of the few ordinances passed by the City that has some flexibility in it. That needs to be emphasized so that the Planning Commissioners understand it and understood by those that attend these meetings. Mr. Leighty commented that it is a policy guide.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-1** (Covey, Dix, Edwards, Leighty, Midget, Shivel, Stirling, Walker "aye"; no "nays"; Perkins "abstain"; Carnes, Liotta "absent") to recommend **APPROVAL** of the major amendment for PUD-761-B per staff recommendation, subject to

the changes presented by the applicant, subject to staff treating this as a major amendment in terms of notification for a hearing before the Planning Commission with regard to drive-through window. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-761-B:

ALL OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4), BLOCK ONE (1), HARVARD SQUARE SOUTH, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

* * * * *

26. **Harvard Square South Amended – Preliminary Plat**, Location: South of southeast corner of East 41st Street South and South Harvard Avenue (9328) (CD-9) (Related to PUD-761-B)

STAFF RECOMMENDATION:

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

The following issues were discussed October 4, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 761 B (pending). All PUD standards must be listed in covenants.
2. **Streets:** Provide reference for right-of-way and mutual access easement such as plat number or Book and Page number. Provide separate instrument number for mutual access easement. Modify sidewalk language to reflect condition on-site.
3. **Sewer:** The proposed sanitary sewer main extension will use eight-inch pipe, instead of the six-inch pipe shown. In the landscape plan, do not plant trees within the proposed sanitary sewer easement.
4. **Water:** Add Restrictive Waterline Easement (R/WL/E) to the legend. MAE/WL/E if used will need to be added. Add language for easements to covenants. Installing the proposed eight-inch water main inside the landscape easement and/or near masonry or concrete walls will not be allowed. A possible location of the water main line could be in the Mutual Access Easement/Proposed Waterline Easement. On utility plan add a note as to where the proposed water main will connect and what type of dedicated off site easement will be used. All proposed water main lines installed under pavement are required to be ductile iron pipe. Show proposed water service connections for each lot.
5. **Storm Drainage:** No comment.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO may need a larger easement.

7. **Other: Fire:** No comment.

GIS: Use actual bearings on face of plat. The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision control data form.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mrs. Fernandez stated that the covenants will need to reflect the changes and what has been approved in the major amendment for PUD-761-B today.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-1** (Covey, Dix, Edwards, Leighty, Midget, Shivel, Stirling, Walker "aye"; no "nays"; Perkins "abstain"; Carnes, Liotta "absent") to recommend **APPROVAL** of the preliminary plat for Harvard Square South Amended per staff recommendation, subject to special conditions and standard conditions, subject to the covenants reflecting the changes made during the 11/7/12 TMAPC meeting for PUD-761-B.

* * * * *

27. **PUD-595-C/Z-5970-SP-6 – LEW Land Investments, LLC/Michael Joyce**, Location: Southeast corner of South 101st East Avenue and East 67th Street, Requesting a **Major Amendment** to allow for the construction of a new warehouse/distribution building to be occupied by a tenant and operated as a major regional retail appliance and warehouse operation, from **CO/PUD-595-B to CO/PUD-595-C**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21453 dated February 8, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-595-B/Z-5970-SP-5 February 2007: All concurred in approval of a proposed Planned Unit Development on a 37± acre tract of land to establish development areas and to increase allowed land coverage, on property located northeast of the northeast corner East 71st Street and South Mingo Road and includes the subject property.

PUD-595-A/Z-5970-SP-4 February 1999: All concurred in approval of a Major Amendment to PUD/Corridor Site Plan to change land area, maximum building floor area and building height of previously approved PUD-595/Z-5970-SP-3 on the subject property.

PUD-595/Z-5970-SP-3 October 1998: All concurred in approval for a PUD/Corridor Site Plan for a proposed retail furniture sales center on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.84± acres in size and is located southeast corner of South 101st East Avenue and East 67th Street. The property is vacant and is zoned CO/PUD-595-B.

SURROUNDING AREA: The subject tract is abutted on the east by a hotel site, zoned PUD 595 B and CO; on the north by furniture retail/warehouse, zoned PUD 595 B and CO; on the south by vacant property which is zoned PUD 595 B and CO; and on the west by a large Church, zoned AG which was approved by a Board of Adjustment Special Exception.

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

TRANSPORTATION VISION:

The Comprehensive Plan references South 101st Street as a residential collector.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 10st East Avenue	Residential Collector	60'	2
East 67th Street (Private)	Not Applicable	Not Applicable	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan:

The entire site is included in a Regional Center designation in the Comprehensive Plan. A Regional Center is defined as an area that is “a mid-rise mixed use area for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district”.

The north and south sides of the site are defined by private streets that have been constructed by the original developer of the area. On-street parking is not an opportunity on privately owned streets. These existing streets are outside of limits of our property boundary on private property maintained by a property owners association. South 101st East Avenue defines the west side of the site and is a publicly owned and maintained street. 101st not classified in the major street and highway plan.

This proposed major amendment to the underlying PUD will encourage employment centered development and provide a required warehousing area to support the proposed retail development east of the hotel site.

While this particular use does not encourage a parking management district it does provide some level of additional parking that might someday be used for parking should a transit hub ever be established in this area. Large parking areas exist in the area for the Church on the west side of the site and the Furniture retail/warehouse on the north side of the site.

This site is mapped as an area of growth in the Growth and Stability Map.

STAFF RECOMMENDATION:

Development Concept:

The Applicant is seeking a major amendment to PUD-595-B for Home Center Amended (the “PUD”) as well as various associated PUD minor amendments and lot combinations. Approval of the applications is sought in order to allow for the construction of a new warehouse/distribution building to be occupied by a tenant of the applicant and operated as a major regional retail appliance and warehouse operation which will initially employ approximately 100 individuals at the subject locations.

This application covers Lots 2 and 3, Block 1, Home Center Amended (the "Warehouse Site"), and seeks a PUD major amendment to **add Use Unit 23 "Warehousing and Wholesaling"** as a permitted use with restrictions noted in the paragraph below labeled "Relationship to Previously Approved Planned Unit Development". Included in this request is an associated PUD minor amendment to allow an **increase in the maximum land coverage of buildings upon the Warehouse Site from 30% to 43.5%**. With the approval of this application (and related applications for lot combination for Lots 2 and 3), the Applicant will be able to seek its permit to construct a 90,000SF (approximate) warehouse facility which will support the planned new retail location fronting HWY 169 and located several hundred feet to the east of the Warehouse Site.

Asbury United Methodist Church is located to the west of the warehouse site, across South 101st East Avenue. In order to buffer the Asbury site from the warehouse site, the applicant will heavily landscape (trees, shrubs and berms) the western portion of the warehouse site, exceeding the landscape requirements of the PUD and Tulsa Zoning Code. ALOFT Hotels is located to the east of the warehouse site and to the west of retail site, across South 104th East Avenue (Private Road). Similar to efforts taken to buffer the Asbury site, the applicant will heavily landscape (trees, shrubs and berms) the eastern portion of the warehouse site, exceeding the landscape requirements of the PUD and Tulsa Zoning Code.

Within the conceptual plan attached the number of off-street parking spaces for the warehouse site exceeds the minimum requirements under the applicable provisions of the PUD and the Tulsa Zoning Code. The trucking lanes and loading berths on the west side of the building to be constructed on the warehouse site are not included in the parking space calculations and are not intended as off-street parking spaces. The applicant requests that they thus be distinguished from off-street parking spaces as recognized under the Tulsa Zoning Code and thus exempted of record from the landscape requirements for off-street parking areas under Chapter 10 Section 1002 of the Tulsa Zoning Code.

Relationship to Previously approved Planned Unit Development (PUD 595-B):

1. No changes are requested in the previously approved Planned Unit Development standards except as noted above and summarized here.
2. Add Use Unit 23 "Warehousing and Wholesaling" however this use unit shall be limited to. ***Warehousing, Wholesale Distributing (furniture and home furnishings, electrical goods, appliances, machinery, equipment and supplies)***
3. Increase the permitted land coverage from 30% to 43.5%.

4. All other development standards as defined in the Tulsa Zoning Code remain in effect for this PUD major amendment.
5. Significant additional landscaping will be provided as part of the approval process to provide a visual buffer between South 101st East Avenue and the hotel site on the East.

The concept illustrated and detailed in the applicant's PUD text shall be made a condition of approval and is consistent with the spirit and intent of the Code. Staff finds PUD-595-C to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and (4) consistent with the overall guiding principles of the original PUD that was approved for the site.

Therefore, staff recommends **APPROVAL** of PUD-595-C as noted above.

Applicant's Comments:

Michael Joyce, 2121 South Columbia, Suite LL3, 74104, representing LEW Land Investments, LLC, stated that the developer will be leasing the subject property to Hahn's Appliances Center.

Mr. Joyce cited the surrounding properties and uses within the existing PUD. Mr. Joyce stated that the proposed use is consistent with other uses within the PUD. Mr. Joyce indicated that he provided details of the proposal to the neighboring properties and there have been no objections to the proposal. Mr. Joyce requested there be 43.5% of permitted land coverage on the subject property.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to recommend **APPROVAL** of the major amendment for PUD-595-C/Z-5970-SP-6 per staff recommendation, subject to the permitted land coverage be increased from 30% to 43.5%. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-595-C/Z-5970-SP-6:

Lots 2 and 3, Block 1, Home Center Amended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

28. **Z-5914-SP-1 – Lindsey Management**, Location: North of northeast corner South Union Avenue and West 71st Street, Requesting a **Corridor Development Plan** for multifamily uses, Use Unit 8, **CO/Z-5914-SP**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 15996 dated April 9, 1984, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7130 May 2009: All concurred in approval of a request for rezoning a 2.29± acre tract of land from AG to CS for commercial use, including outdoor advertising sign use, on property located on the northwest corner of Highway 75 South and West 71st Street South.

Z-7120 December 2008: A request was made, for rezoning a 5.4± acre tract of land from AG to CS for CS uses and outdoor advertising sign, on property located south of southwest corner West 71st Street and Highway 75 South. The applicant withdrew the application prior to meeting date.

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

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved on a 56± acre tract of land, for hospital and office use located on the northeast corner of West 71st Street and U. S. High 75 South. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

BOA-19068 May 8, 2001: The Board of Adjustment approved a Special Exception to permit Use Unit 15, Other Trades and Services, within proposed Lot 2; and a Special Exception to modify the screening requirement, per plan submitted with conditions to restrict outside storage of gas pipe no higher than 5 feet, outdoor light standards shall not exceed 20 feet in height, and outdoor lighting and building mounted lights be hooded and directed downward and away from boundaries of the site, on property located at the northwest corner of West 71st Street and South Union Avenue.

BOA-18428 June 8, 1999: The Board of Adjustment approved a Variance to allow off-street parking on a lot other than lot containing the use; and a Variance of the required parking spaces from 67 to 18 to permit a new school and gymnasium; subject to a tie agreement, per plan submitted, on

property located at the northeast corner of West 71st Street and South Union Avenue

Z-6614 February 1998: All concurred in approval of a request for rezoning a 4.73± acre tract of land from AG to CS for commercial use, on property located west of the northwest corner of West 71st Street and Highway 75 South.

PUD-159-A May 1986: All concurred in approval of a proposed Major Amendment to PUD on a 7.9± acre tract of land to permit a nursing home and accessory uses with 166 beds and a 59 unit apartment complex on property located north of the northwest corner of West 71st Street and South Union Avenue.

PUD-159 June 1974: All concurred in approval of a proposed Planned Unit Development on a 595± acre tract of land for a 250 acre golf course and clubhouse, 44 acres for commercial development, 302 acres for residential development including: 612 single-family detached units, 342 single-family attached units and 876 apartment units, on property located between West 61st Street and West 71st Street and between South Union Avenue and South 33rd West Avenue, and southwest of the southwest corner of West 71st Street and South Union Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 38± acres in size and is located north of northeast corner of South Union Avenue and West 71st Street. The property appears to be undeveloped and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by Highway 75. East of highway 75 is zoned CO; on the north side of our property is a large tract currently zoned AG; on the south, a single family residential tract zoned AG; and on the west across South Union Avenue by Page Belcher Golf course which is zoned RS-3/RM-1/PUD-159/PUD-159-A.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Union as a Multi Modal Secondary Arterial Corridor ultimately proposed to be developed as a four lane arterial street. A multi modal street system should balance the needs of all modes of travel, giving people the option to walk, bike, ride transit or drive. These street types attempt to strike a balance between functional classification, adjacent land use, and the competing travel needs.

A future multipurpose trail is anticipated on the west side of South Union. Future site development shall consider opportunities for connection to the Multipurpose Trail System.

Consideration should be given, during the site plan process, to include connectivity options to adjacent property.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary Arterial Multi Modal Corridor	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

LAND USE PLAN:

This project site is located entirely inside a Mixed Use Corridor as defined on the land use plan. The Mixed Use Corridor designation is defined as an area that is considered a “modern thoroughfare that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are design so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind”.

While this specific site is not considered a mixed use, this parcel is seen as a part of the larger anticipated mixed use corridor in the Comprehensive Plan that may be developed in the area between South Union and Highway 75 from 71st to 61st.

STABILITY AND GROWTH MAP:

The proposed Corridor Development Plan is located entirely inside an area of growth.

RELATIONSHIP TO WEST HIGHLANDS SMALL AREA PLAN:

At this time the West Highlands Small Area Plan is a work in progress and has not been adopted. Based on input from City Planning Staff and TMAPC Staff the applicant has provided greenbelt development which will provide a substantial buffer to the existing property owners north and south of the site as well as a wooded style buffer along South Union

Avenue. Additionally, a significant storm water detention pond will be placed between South Union Avenue and multifamily buildings.

STAFF RECOMMENDATION:

Based upon the proposed Development Concept and Standards provided below, staff finds Z-5914-SP-1 (Corridor Development Plan) to be: (1) consistent with the goals of the Tulsa Comprehensive Plan; (2) in harmony with the existing and expected development of the anticipated development of this area; (3) a unified treatment of the development possibilities of the site; (4) inclusive of provisions for proper accessibility, circulation, and functional relationships of uses; (5) is consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-5914-SP-1 subject to the following Development Standards:

DEVELOPMENT AREA A

Area of Tract: 38.53 Acres

Current Zoning: CO

Permitted Uses: Uses permitted as a matter of right in Use Unit 8, Multifamily; and uses customarily accessory to permitted principal uses.

Density:

Limited to total units:	595 Units
Units/Acre:	15.4 units/acre
Minimum Land area per dwelling unit:	1000 SF
Minimum Livability Space per dwelling unit:	200 SF

Parking requirement: As required by Chapter 5 City of Tulsa Zoning Code

Minimum Building Setbacks:

Minimum Front yard setback (west):	50 FT
Minimum Side yard setback (north):	50 FT
Minimum Side yard setback (south):	50 FT
Minimum Rear yard setback (east):	25 FT
Minimum separation between buildings	20 FT

Buildings:

Minimum 80% brick/Masonry
Maximum 3 story structures
Maximum Building Height 50 feet as measured from the finished floor of the first floor. The height limit includes all architectural features.

Accessory buildings shall include a clubhouse, pool buildings, mail kiosk, and maintenance building.

Landscaping: Landscape Area required: 50% minimum

Landscaping shall exceed the minimum standards defined in the Chapter 10 of the City of Tulsa Zoning Code. In keeping with the native character of the site the landscape plan shall provide a minimum of 25% more trees than required by the minimum standards in the Code.

A minimum 25-foot wide vegetative buffer beyond the 17.5' perimeter utility easement along the North, South, and West boundary lines shall be provided except in areas where vehicular or pedestrian penetration is required and where utilities may cross the landscape buffer. Existing trees inside the vegetative buffer will not be considered as part of the required tree count in the street yard or the parking areas. The buffer shall maintain a natural vegetative character representing the natural existing site with possible understory clearing for site maintenance.

Lighting: Light fixture height will not exceed 20 feet whether pole mounted or wall mounted. All outdoor lighting will be "dark-sky" compliant and shall be directed down and away from adjacent property boundaries. A photometric plan shall be part of the Corridor Site Plan approval illustrating that all new lighting is limited to the site with zero foot candles shown at the property line. Interior breezeway lighting is not included in this restriction.

Signage: All measurements shall conform to the City of Tulsa Sign Standards.

One ground sign will be permitted along the Union Avenue Frontage with a maximum height of eight feet and a maximum display surface area of not more than 60 square feet. "Back-lit" signs shall not be permitted.

One wall sign shall be allowed on a building facing Highway 75. The maximum wall sign size shall not exceed two (2) square feet of display surface area for each linear foot of wall length where it is attached.

Applicant's Comments:

Kim Fugitt, representing the Lindsey Management Company, 1200 East Joyce Boulevard, Fayetteville, Arkansas, 72703, stated that Hugh Jarratt of the Lindsey Management, and Jerry Kelso of Crafton-Tull Associates are present today. Mr. Fugitt stated that he is an Architect and Planner for the Lindsey Management Company. Mr. Fugitt presented a PowerPoint Presentation to give some background of the Lindsey Company. The Lindsey Company owns and manages over 36,000 apartment units and 42 golf courses over an eight state area in the southeast. There is less than 2.5% total vacancy throughout these properties. Mr. Fugitt stated that the Lindsey Company has been in business for over 20 years.

Mr. Fugitt stated that in the Tulsa area his company currently has property in Bixby, two in Broken Arrow, and one in Owasso. His company feels that they will be fulfilling a purpose and demand. Mr. Fugitt stated that he studied the Comprehensive Plan and found that the subject property is already zoned as a Corridor District for high intensity multi-use development. Mr. Fugitt further stated that he believes that multifamily would be well accepted by the City. Mr. Fugitt read from the Comprehensive Plan regarding corridor districts and their uses. Mr. Fugitt explained that after reading the Comprehensive Plan he started looking for property in Tulsa for this development. This particular tract was available at the time and fit their needs.

Mr. Fugitt stated that he is proposing 595 apartment dwellings on the subject site. The density allowed by the corridor district is 43 units per acre, which on the subject property would equate to 1,657 units being allowed by the current zoning. Mr. Fugitt explained that he is asking for 36% of what the allowed density would be on the 38 acres.

Mr. Fugitt stated that the green space required is 50% and his company is providing 54% of green space in order to stay with the more rural atmosphere of the subject area. There is a 100-foot greenbelt buffer on the south property line and approximately 50-foot buffer on the north property line and the Union side there is a 42-foot buffer where the two buildings are located. When one gets past the clubhouse there is 400 feet of buffer or setback from Union to the first set of multifamily buildings. In order to keep a rural feel to the development, all of the parking will be internal and all of the buildings are around the perimeter. Parking is screened by the buildings and the parking lot lighting will be at a 20-foot maximum pole light and shielded as required. Mr. Fugitt addressed the fact that Union is proposed to eventually be a four-lane street. Mr. Fugitt explained that the subject project has no subsidized rents and it is not subsidized by any government plan. The apartments will probably be in the same market status as the Case properties to the south.

Mr. Walker asked if the apartments are Class A properties. In response, Mr. Fugitt answered affirmatively.

Mr. Fugitt stated that they will build an 8,000 square foot clubhouse with a fitness center, meeting rooms, leasing rooms, tanning facilities, and the manager of the property lives on the second floor of the clubhouse and are there 24 hours a day. The apartment buildings are three stories; majority is brick, 18 units in each building with 12 two-bedroom units and six one-bedroom units. There are no three-bedroom units. The buildings are back and stacked, which means that there is a chase-wall in the middle and there is no back.

Hugh Jarratt, Lindsey Management Company, stated that in addition to the manager living onsite, their assistant managers live onsite and there is a courtesy officer program that offers local law enforcement reduced rents and possibly man the phones one night a week. Everyone that leases has to go through a background check and if one has a felony, violent misdemeanor or a sexually related misdemeanor they cannot live in the apartments. These standards are set by Mr. Lindsey in Fayetteville, Arkansas. Mr. Jarratt stated that they have 2,268 units in Tulsa, counting Bixby, Broken Arrow, and Owasso. Of these 2,268 units, there is zero vacant. Mr. Jarratt stated that if they had a bad product there would be vacancies.

Mr. Jarratt stated that he met with the neighbors about one month ago to see what issues could be worked out before coming before the Planning Commission. Mr. Jarratt further stated that, other than not wanting apartments in any form, he was able to agree to increase the buffer to the south to 100 feet and the north entrance was a standard entrance, changed to an emergency only to keep headlight traffic out of the neighborhood across the street to the north. Additional buffering was agreed upon along Union and they pulled the buildings back. Mr. Jarratt indicated that he has tried to address any concerns that the neighbors had, other than that they do not want the apartments there.

INTERESTED PARTIES COMMENTS:

Rich Perkins, 1734 West 63rd Street, 74132, President West Highlands, and representing his neighbors and a number of people that do not live in West Highlands, but reside within driving distance of the proposal. Mr. Perkins stated that he did meet with the Lindsey Management and they were up front and had done a lot of things with the design of the apartments. Mr. Perkins submitted petitions and a sign-in sheet from the small area plan meeting held on Monday, November 6, 2012 (Exhibit B-4). Mr. Perkins indicated that they are not through with their small area plan and are trying to move that small area plan into a more rural area flavor. Mr. Perkins commented that they would like to discourage high density

development if at all possible. Mr. Perkins stated that he would guess that 100% of the sign-in sheets were opposed to the apartments. Mr. Perkins further stated that many emails were sent (Exhibit B-2) in opposition to this proposal. The neighbors feel like they are already saturated with apartments and he understands that the City needs to grow, but he would like to move toward a single-family type of development. Mr. Perkins stated that he believes the area is saturated with apartments and the subject area is having a hard time keeping residents because of it. Mr. Perkins requested that there be time to finish the small area plan before allowing this development. Mr. Perkins expressed concerns with increased traffic along Union. Mr. Perkins stated that the proposal is in direct conflict with what the small area plan is trying to do and requested that the application be denied.

Kaye Price, 5815 South 31 West Avenue, 74107, representing W.O.R.T.H. Homeowners Association, submitted letters and emails opposing the subject proposal (Exhibit B-2) for the record. Ms. Price cited the surrounding areas and stated that the subject area is saturated with apartments and indicated that she is opposed to the proposal. Ms. Price spoke to the crime issues, which she believes is coming from the government subsidized apartment complexes in the subject area. Ms. Price requested that this proposal be denied and allow the subject area to finish their small area plan, which is working toward a rural lifestyle. Ms. Price believes that more apartments in the subject area will prevent the possibility for single-family homes to be built. Ms. Price continued to point out the "poor side of the subject area" and where there are "million dollar homes in the subject area". Ms. Price explained that she researched the subject area and it was zoned corridor back in 1975 to promote low to medium intensity housing. In 2000 the PUD was placed in the subject area and it was to promote multifamily, single-family and commercial. She concluded that they would like high-end homes on the subject property to balance the poor, middle income and higher income areas.

Applicant's Rebuttal:

Mr. Jarratt stated that the small area plan was mentioned at the meeting he had with the neighbors. Mr. Jarratt further stated that he looked at some plans and it shows apartments planned on the subject property. Mr. Jarratt commented that his company has been under contract to purchase the subject property since late summer and he has never received an invitation to participate in a small area plan meeting. He indicated that he would be happy to send a representative to the meetings so that they would have some input as a property owner in the subject area. Mr. Jarratt commented that it is not fair to have a prejudice against people who rent their homes. He would be willing to say that huge amount of people in this meeting today has rented at some point in their life. To say that renters bring crime or bring down an area is hard to take. Most renters are very

good people and are not the cause of the problem. The crime rate within the Lindsey properties is going to be a fraction of the crime rate of the town itself. One would be much safer inside a Lindsey Management property than one is in a city as a whole. Mr. Jarratt stated that this is true because of the background checks that they do before renting. When one owns a single-family home one does not have the ability to determine who your neighbor is and the Lindsey Management does. Mr. Jarratt commented that to say that renters bring crime and lowers an area's desirability, especially given that the majority of people in this room were renters at one time is hard to take.

TMAPC COMMENTS:

Mr. Leighty stated that the Planning Commission was given a report from the Better Business Bureau and wanted to know if Mr. Jarratt has seen the report. Mr. Jarratt stated that he would encourage the Planning Commission to pull a Better Business Bureau report against any apartment company and it will say the same thing. The fact that his company has zero units vacant in Tulsa and as a whole for all their properties is less than 2% vacant will stand for itself. The report is about people disputing the painting charge, clean up charge and things like that when they move out of their units. Mr. Leighty (inaudible). In response to Mr. Leighty, Mr. Jarratt stated that his company didn't consider commercial uses in the front of the development. On this site it never was really considered and the Lindsey Management Company are not commercial developers. Mr. Leighty asked Mr. Jarratt how long his company typically owns their properties. In response, Mr. Jarratt stated the Mr. Lindsey has owned the Links on Memorial since 1977 and in the 35 years Mr. Lindsey has sold two complexes that were both in Texas and at the request of his partner. Mr. Lindsey has a motto that they build them, manage them and own them for a lifetime. Mr. Jarratt indicated that Mr. Lindsey has properties that he has owned for 30 years. Mr. Leighty commented that the company has a good track record then.

Mr. Dix stated that as an ex-expert in site selection, there is not a commercial site on the subject property. If one wants crime, then put a store up in front of this project and they will see some crime. Mr. Dix asked Mr. Jarratt if the apartments in Owasso the Greens of Owasso. Mr. Jarratt answered affirmatively. Mr. Dix stated that he is very familiar with those units as well as the ones in Broken Arrow and he can vouch that they are very well managed units. Mr. Dix explained he has family members that are members of the club and they are well managed and high quality. In response to Mr. Dix, Mr. Jarratt stated that a one-bedroom unit is about 526 square feet and a two-bed and two-bath unit is close to 1,100 square feet.

Mr. Edwards stated that at the time the Links on Memorial were built he was a Planner in Bixby and worked with the Lindsey Management Company extensively. Mr. Edwards further stated that he also went to Fayetteville to visit their existing properties and one of the managers of their properties had worked there for the entire the building had been there, which was over 20 years old. Mr. Edwards commented that if the proposal is like anything they have done in the past it will be impressive. Mr. Edwards asked where the golf course would be located. Mr. Jarratt stated that they were unable to find a track of land on this side of town that could zoned for that, but there is a golf course across the street, Page Belcher Golf Course. This will be an advance to Page Belcher Golf Course to have 595 potential households to use the facility across the street and they would probably prefer that over five or six houses.

INTERESTED PARTIES COMMENTS:

Mark Rodriquez, 6821 South Union Avenue, stated that his property is immediately to the south of the subject property. Mr. Rodriquez expressed concerns with stormwater runoff from the subject property onto his property. He explained that the subject property is 20 feet higher than his property and it drains toward his property. He expressed concerns with the buildings being three-story and able to look down on him. Mr. Rodriquez commented that he will feel like he is living in a fish bowl. Mr. Rodriquez stated that he purchased the home in 1993 and he has enjoyed his privacy and the rural sense of living. He feels like the proposed apartments is a great intrusion.

TMAPC COMMENTS:

Mr. Midget asked Mr. Rodriquez if he built his house in 1993 or 1997. In response, Mr. Rodriquez stated that the house has been there since 1955 and he purchased it in 1993 with 3.5 acres. There are corrals, barns and a pond. Mr. Midget asked Mr. Rodriquez if he was aware that it was zoned corridor when he purchased his property. In response, Mr. Rodriquez answered negatively.

Mr. Tohlen, City of Tulsa, stated that there is no storm sewer system in place for the subject area. To address Mr. Rodriquez's concerns about drainage the City of Tulsa Ordinances require that there are no additional runoff allowed from new developments to adjacent property. The engineering aspects of this will be reviewed in detailed to assure that there is no additional drainage to Mr. Rodriquez's property over what the original 100-year runoff would be under the current conditions. Mr. Dix stated that his development experience would be that all of the water from any of the impervious services on the subject property would be routed to the detention basin and metered out to the public right-of-way. If the design stays as it is, it appears that no water would go south. Jerry Kelso, Crafton, Tull Associates, stated that there are some preliminary plans

grades are to be drained to the pond and then the pond drains under Union to the golf course. Mr. Dix stated that the water shouldn't be an issue and if it is the neighbor can report it to the City of Tulsa. Mr. Rodriguez stated that the privacy issue is more important to him.

Mr. Midget stated that he understand some of the concerns of the residents in the subject area regarding a saturation of apartment complexes. These apartments are really in harmony and spirit with the zoning for the area. It was pointed out that this area has been zoned corridor since 1984 and he has heard some of Ms. Price's concerns. Mr. Midget stated that he has studied the small area plan and the subject area and 47% of the area is zoned AG and 34% is zoned single-family and 13% is corridor. About 94% of the subject area is zoned something other than apartments, which is about 1.4% of the subject area is zoned for multifamily, RM-1 and RM-0. Mr. Midget stated that he doesn't see a saturation of apartments here. In terms of public assisted housing, the City of Tulsa has a location policy that will help prevent the saturation of low-income housing or public assisted housing in an area and unfortunately it was not in place when 61st and Peoria was developed. The area according to the Comprehensive Plan is a growth area and public housing is not being proposed and the rent is comparable city-wide. Mr. Midget stated that 34% of the rental in the subject area is all single-family and 11% is apartments. Mr. Midget concluded that he understands that concerns, but he believes that this is a great development and the City needs density because that is the only way the City will grow. Mr. Midget stated that one of the main things that the Planning Commission should consider is whether the proposed corridor development harmonizes with the existing, and more importantly the expected development in the surrounding area. This apartment proposal is an expected development and he will be supporting it.

Mr. Leighty asked Mr. Dix if he was implying that a convenience store brings crime to the neighborhood. In response, Mr. Dix stated that not a convenience store like QuikTrip or Kum-n-Go, but he can refer to one that comes to mind on the service road along the Skelly Bypass, which has a small convenient store that was built with the building to provide services for the those residents. It is a small neighborhood store and those types of stores usually have some sort of living in the backroom. Mr. Leighty stated that he was thinking in terms of drycleaners to serve the neighbors in the subject development, not a convenience store. Mr. Leighty stated that he will be supporting this application. The company has a good track record of owning their own properties and managing them. This is right in line with the Comprehensive Plan.

Mr. Dix stated that with his experience with this company in Owasso and Broken Arrow he doesn't see anything wrong with it. This is an attractive

apartment complex and sought after by residents. Mr. Dix indicated that he will be supporting this proposal.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta "absent") to recommend **APPROVAL** of the corridor development plan for Z-5914-SP-1 per staff recommendation.

Legal Description for Z-5914-SP-1:

Part of the NW/4 of the SW/4 of Section 2, T-18-N, R-12-E City of Tulsa, Tulsa County, Oklahoma A TRACT OF LAND BEING DESCRIBED AS THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND: **LESS AND EXCEPT 1** A TRACT OF LAND THAT IS A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NW/4 OF THE SW/4; THENCE WEST ALONG THE SOUTH LINE OF SAID NW/4 OF THE SW/4 A DISTANCE OF 42.3 FEET; THENCE NORTH 0°10' WEST A DISTANCE OF 1320.00 FEET TO A POINT ON THE NORTH LINE OF SAID NW/4 OF THE SW/4; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 41.7 FEET TO THE NORTHEAST CORNER OF SAID NW/4 OF THE SW/4; THENCE SOUTH ALONG THE EAST LINE OF SAID NW/4 OF THE SW/4 A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING. **AND LESS AND EXCEPT 2** A TRACT OF LAND THAT IS A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT THE WHERE THE PRESENT WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 75 INTERSECTS THE NORTH LINE OF SAID NW/4 OF THE SW/4 A DISTANCE OF 38.54 FEET SOUTH 89°08'21" WEST OF THE NORTHEAST CORNER OF SAID NW/4 OF THE SW/4; THENCE SOUTH 01°10'16" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 121.56 FEET; THENCE NORTH 13°27'24" WEST A DISTANCE OF

124.55 FEET TO A POINT ON THE NORTH LINE OF SAID NW/4 OF THE SW/4; THENCE NORTH 89°08'21" EAST ALONG SAID NORTH LINE A DISTANCE OF 26.50 FEET TO THE POINT OF BEGINNING. **AND LESS AND EXCEPT 3** A TRACT OF LAND THAT IS A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE PRESENT RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 75 A DISTANCE OF 843.34 FEET SOUTH 01°10'16" EAST OF A POINT WHERE SAID RIGHT OF WAY LINE INTERSECTS THE NORTH LINE OF SAID NW/4 OF THE SW/4; THENCE SOUTH 01°10'16" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 262.47 FEET; THENCE NORTH 57°32'22" WEST A DISTANCE OF 118.47 FEET; THENCE NORTH 01°10'16" WEST A DISTANCE OF 131.23 FEET; THENCE NORTH 55°11'51" EAST A DISTANCE OF 118.47 FEET TO THE POINT OF BEGINNING.

* * * * *

Mr. Midget out at 3:47 p.m.

29. **Z-4900-SP-8 – Roy D. Johnsen**, Location: East of northeast corner of South Mingo Road and East 75th Street South, Requesting **Corridor Development Plan** for a senior living center, Use Unit 8, Multifamily Dwellings and Similar Uses, **CO/Z-4900-SP**, (CD-7) (Related to Clover West Senior Living Facility Preliminary Plat)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 14040 dated February 7, 1978, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-4900-SP-1 February 1983: All concurred in approval of a Corridor Plan on a 16.6± acre tract of land for multifamily development done in two phases. Phase I includes 297 units that have been built and Phase II was for 175 units that has not been built and is the subject property. This plan is on property located south of the southeast corner of East 71st Street and South Mingo Road and includes the subject property.

BOA-21506: An application is *pending* for the Board of Adjustment to permit a Variance to allow for an “off-premise sign” in a CO district, on property located at east of the southeast corner of East 75th Street and

South Mingo Road and includes the subject property. *This application is scheduled to be heard on the November 27th, 2012 meeting.*

Surrounding Property:

Z-4900-SP-7 October 17, 2012: Staff and TMAPC recommended approval of a request for a Corridor Plan on a 3.2± acre tract of land, to allow for Use Unit 17 to permitted uses, but limited to the selling of automotive parts, off-road equipment and accessories and the installation and repair thereof, and restoration and storage of classic cars, on property located on the northeast corner of East 73rd Street and South Mingo Road and located north and east of subject property. *It is going to be transmitted to City Council for final action.*

Z-4900-SP-4 June 1999: All concurred in approval of a Corridor Plan on a 12.7± acre tract of land for a 184 unit multifamily complex, on property located on the southeast corner of South Mingo Road and East 75th Street South, and south of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.48± acres in size and is located east of northeast corner of South Mingo Road and East 75th Street. The property appears to be vacant and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by undeveloped property, zoned RS-3; on the north by multifamily residential, zoned CO; on the south by undeveloped property, zoned CO; and on the west by multifamily property, zoned CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan is silent regarding South 99th East Avenue. South Mingo Road is considered a Commuter Corridor. A pedestrian access should be provided as the south portion of the site is developed ultimately leading to a connection to South Mingo.

Future consideration for an interconnectivity street should be given for the vacant land east of this site. Street access to the vacant tract east of the site may be required in the future to insure connections to the undeveloped property adjacent to Highway 169.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 99th East Avenue	No Designation	50	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

The project site is located in an area of growth in the Comprehensive Plan.

This senior living center provides an appropriate mix into the neighborhood and meets the intent of the New Residential Neighborhood vision

STAFF RECOMMENDATION:

Based upon the proposed Development Concept and Standards provided below, staff finds Z-4900-SP-8 to be: (1) consistent with the goals and vision of the Comprehensive Plan for this area, (2) In harmony with the existing and expected development pattern anticipated in this area, (3) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-4900-SP-8 subject to the following Development Standards.

I. Development Concept

The subject property (the “Property”) comprises 5.5 net acres located approximately 860 feet east of the northeast corner of South Mingo Road and East 75th Street South. The Property is within a CO Corridor District established by rezoning application Z-4900. The Property has 518 feet of frontage on a collector system that provides access commencing at South Mingo Road and 75th Street and extending eastwardly and northerly to East 71st Street.

The proposed development is senior housing providing market rate apartments designed for independent living.

II. Development Standards

Land Area Net: 5.5 acres

Permitted Uses: Use Unit 8; Multifamily Dwellings And Similar Uses but limited to senior housing.

Maximum Dwelling Units:	140 DUS
Minimum Livability Space Per Dwelling Unit: [open space not allocated to parking or drives]	400 SF
Maximum Building Height:	42 FT
Maximum Stories: 3 stories	
Maximum Building Coverage	30% of net lot area
Minimum Building Setbacks:	
From right of way of collector street	17.5 FT
From other boundaries	17.5 FT
Minimum Off-street Parking Spaces:	1 space per dwelling unit
Minimum Landscaped Area	20% of net lot area

Signs:

Ground signs shall be limited to one monument sign located along the collector street and identifying the multifamily project. The monument sign shall not exceed 12 feet in height nor 80 square feet in display surface area. Wall signs shall be limited to one wall sign not exceeding 80 square feet in display service area.

III. General Provisions

A. Landscaping

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard, as defined by the Landscape Chapter, the minimum building setback from the collector street shall be deemed to be 17.5 feet.

B. Access

Vehicular and pedestrian access is to be derived from the collector system commencing at South Mingo Road and 75th Street and extending eastwardly and northerly to East 71st Street.

C. Utilities and Drainage

Utilities are at the site or accessible by customary extension. A storm water system will be designed and constructed and a fee in lieu of storm water detention will be provided.

D. Site Plan Review

Development may proceed in phases. No building permit shall issue until a detailed site plan (including landscaping) has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards and conditions. No Certificate of Occupancy shall issue until the landscaping for the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule approved by the Tulsa Metropolitan Area Planning Commission.

E. Platting Requirement Development may be phased. No building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof.

F. Schedule of Development

Development is expected to commence within 6 months and to be completed within 18 months thereafter.

TMAPC COMMENTS:

Mr. Leighty stated that some of these senior living facilities are walled-off or gated and not really connected to the surrounding areas. Mr. Leighty asked if that is what is planned on this. Mr. Wilkerson stated that he doesn't believe that is the plan for the subject property.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that this is a facility for seniors, but it is not an assisted living center or nursing home facility. This facility will cater to seniors living independently.

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 **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") to recommend **APPROVAL** of the corridor development plan for Z-4900-SP-8 per staff recommendation.

Legal Description for Z-4900-SP-8:

A PART OF GOVERNMENT LOT TWO (2) OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT ONE (1), BLOCK TWO (2) OF STONECREEK II, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA; THENCE NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 1 BLOCK 2 A DISTANCE OF 524.35 FEET TO THE SOUTHEAST CORNER OF OF SAID LOT 1 BLOCK 2; THENCE SOUTH 00°09'58" WEST ALONG THE EAST LINE OF GOVERNMENT LOT 2 A DISTANCE OF 500.00 FEET; THENCE NORTH 90°00'00" WEST A DISTANCE OF 471.69 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.82 FEET, A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 23°53'15", A CHORD BEARING OF NORTH 11°56'40" EAST, AND A CHORD LENGTH OF 117.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 40.00 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 185.44 FEET, A RADIUS OF 425.00 FEET, A DELTA ANGLE OF 24°59'59", A CHORD BEARING OF NORTH 12°30'00" WEST, AND A CHORD LENGTH OF 183.97 FEET; THENCE NORTH 25°00'00" WEST A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 122.57 FEET, A RADIUS OF 195.00 FEET, A DELTA ANGLE OF 36°00'51", A CHORD BEARING OF NORTH 06°59'35" WEST, AND A CHORD LENGTH OF 120.56 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 238,485 SQUARE FEET OR 5.475 ACRES, MORE OR LESS.

* * * * *

- 30. **Clover West Senior Living Facility – Preliminary Plat**, Location: South of East 71st Street, east of East 75th Street South (8407) (CD 7) (Related to Z-4900-SP-8)

STAFF RECOMMENDATION:

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

The following issues were discussed October 18, 2012, at the Technical Advisory Committee (TAC) meetings:

- 1. **Zoning:** The property is zoned CO (corridor site plan Z-4900-SP-8 pending).

Corridor standards need to be followed in the plat and put in the restrictive covenants.

2. **Streets:** For 75th Street provide reference to right-of-way per plat number and not just subdivision name. Intent of Note F is not clear. There are no Limits of No Access so remove Section I G.
3. **Sewer:** If there is an existing utility easement adjacent to the northern plat boundary in Stonecreek II, then show it on the plat. If not, then we will require a 17.5-foot utility easement along this boundary. In Section I C 2, omit the words "in excess of three feet", or use the standard language. You are showing an eight-inch service line from the building to the public sanitary sewer main. All eight-inch sanitary sewer lines must be constructed under the IDP (infrastructure development plan) process, with engineered plans approved by the City of Tulsa. All eight-inch sanitary sewer lines must connect at a manhole, and a manhole will be required adjacent to the building being served.
4. **Water:** All water services will be metered located in the street right-of-way; utility or dedicated easements.
5. **Storm Drainage:** The 15-foot utility easement containing the storm line should be designated a drainage easement. This easement has not been dimensioned along the north side of the property. Add standard language for drainage easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Hammerheads do not meet IFC (international fire code) 2006; Appendix D the T section is too short. Aerial access needs to meet Appendix D section 105 of the IFC 2006.

GIS: Provide the email address for both the engineer and the surveyor. On the face of the plat in the description at the top of the page add "City of Tulsa" before Tulsa County. Label all subdivisions and expressways within the mile section of the location map. Include a north arrow for the location map. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (P.O.C.) to the labeled point of beginning (P.O.B.). Correct the inconsistencies in the metes and bounds description in the deed-of-dedication and the bearings and distances labeled on the face of the plat. Show chord bearing and length information from the legal description on the face of the plat. The date of preparation needs to be corrected. Submit a subdivision control data form. Point of commencement should be described in the legal description. The metes and bounds legal description does not match what is shown on the face of the plat.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

compliance with the standards and conditions.

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

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 **SHIVEL**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") to **APPROVE** the preliminary plat for Clover West Senior Living Facility per staff recommendation, subject to special conditions and standard conditions. (Language underlined has been added and language with a strike-through has been deleted.)

* * * * *

OTHER BUSINESS:

Commissioners' Comments

None.

* * * * *

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") to **ADJOURN** TMAPC meeting No. 2637.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 3:56 p.m.

Date Approved:

12-5-2012

John A. Weh

Chairman

ATTEST:

[Signature]

Secretary