

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2639

Wednesday, December 5, 2012, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Covey	Bates	Tohlen, COT
Dix	Stirling	Fernandez	VanValkenburgh, Legal
Edwards		Huntsinger	
Leighty		Miller	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, December 3, 2012 at 12:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Ms. Miller reported on the BOCC and City Council agendas. Ms. Miller further reported on upcoming agenda items: 1) TMAPC's Policies and Procedures amendments and 2) Brady Art's District Small Area Plan.

Minutes:

Approval of the minutes of November 7, 2012 Meeting No. 2637

On **MOTION** of **SHIVEL** the TMAPC voted 8-0-0 (Carnes, Dix, Edwards, Leighty, Midget Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the minutes of the meeting of November 7, 2012, Meeting No. 2637.

CONSENT AGENDA

2. **LS-20541** (Lot-Split) (CD-9) - Location: Northeast of the northeast corner of East 51st Street South and East 50th Street South (Related to LC-422)
3. ***LC-422** (Lot-Combination) (CD-9) - Location: West of the Northwest corner of East 51st Street South and South Yale Avenue (Related to LS-20541)
4. **LC-443** (Lot-Combination) (County, District 3) - Location: Northeast corner of East 176th Street South and South 21st East Avenue
5. **LS-20565** (Lot-Split) (CD-9) - Location: East of the northeast corner of North Norfolk Avenue and East Haskell Street
6. **Z-7008-SP-3c – Lou Reynolds**, Location: North of northeast corner of South Olympia Drive and West 81st Street South, Requesting a **Minor Amendment** to increase the allowable building floor area for a portion of one lot, **CO** (CD-2)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a minor amendment to increase the allowable building floor area of part of one lot that was defined in an amended Tulsa Hills Development Plan in 2009.

Minor Amendment Summary:

- EXISTING: Lot 2A, Block 2, FLOOR AREA ALLOCATION

<u>Lot</u>	<u>Lot Size</u>	<u>Allocated Floor Area</u>	<u>Floor Area Ratio: (FAR)</u>
2A	126,460 SF	27,943 SF	.22

- **PROPOSED: Lot 2A, Block 2, FLOOR AREA ALLOCATION**

<u>Lot</u>	<u>Lot Size</u>	<u>Allocated Floor Area</u>	<u>Floor Area Ratio: (FAR)</u>
2A	126,460 SF	36,673 SF	.29

The floor area allocation within Lot 2B, Lot 2C and Lot 2D will not be changed as a result of this application.

Staff Summary:

Within the City of Tulsa Zoning Code, Corridor Section 806.C, a minor amendment may be permitted. "so long as substantial compliance is maintained with the approved site plan and purposes and standards of this chapter." Staff has reviewed the applicants request for an increase in floor

area on this small portion of the overall development at Tulsa Hills. We have determined that this request does not substantially alter the original character of the Corridor Plan and will not result in any increase incompatibility with the present and anticipated future use of the proximate properties.

The increase in density is consistent with the stated purpose in The Tulsa Zoning Code, Section 800, "Corridor District", which was established to allow and encourage high intensity multi use development. The increase in density is consistent with the spirit and intent of the approved development plan and the City of Tulsa Comprehensive Plan for this area.

Staff recommends **APPROVAL** of the minor amendment request Z-7008-SP-3 as outlined above.

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

7. **PUD-619-C-5 – Kinslow, Keith & Todd/Nicole Watts**, Location: 10638 South Memorial Drive, Requesting a **Minor Amendment** for additional building height, **CS/PUD-619**, (CD-8)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a minor amendment to add additional building height for a rotunda that is part of the architectural style of the Children's Learning Adventure building on Lot 2, Block 1, Memorial Commons (being replatted as Lot 1, Block 5, The Vineyard on Memorial).

Minor Amendment Summary:

The original PUD in 2006 restricted the commercial building height to 35'. PUD 619-C approved in 2008 increased the allowable building height at Lifetime Fitness to 42' with a skylight height of 57'.

Children's Learning Adventure is immediately east of Lifetime Fitness and is requesting a building height increase from 35' to 40' for the architectural feature identified on the attached building elevation.

Staff Summary:

Within the City of Tulsa Zoning Code, PUD Section 1107.K.9, a minor amendment may be permitted "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 site and had determined that the increased building height from 35' to 40' will not result in any increase of incompatibility with the present and future use of the proximate properties.

Staff recommends **APPROVAL** of the minor amendment request PUD-619-C-5 as outlined above.

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

8. **PUD-579-A-12 – Sean Pendley**, Location: North of northwest corner of South 101st East Avenue and East 81st Street, Requesting a **Minor Amendment** to modify the building setback line along the entire west boundary of PUD-579-A, **CO/PUD-579-A**, (CD-7) (Related to Item 9)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a minor amendment to modify the building setback line along the entire west boundary of PUD 579-A, which was approved in 1998. At the time the property west of the PUD boundary was undeveloped.

Minor Amendment Summary:

- The original PUD building setback: 10' plus 2' for every foot above 15' in height.
- **The proposed building setback:** 17.5' for all 4 lots (6, 7, 8 and 12 Block 1) abutting the west boundary of PUD 579-A. No additional setback will be imposed for any structure height; however, the maximum building height shall remain at 35' for an office building as outlined in the PUD.

Staff Summary:

As the area has developed an apartment project has been approved with three-story buildings adjacent to this site. Therefore the original building setback protection is no longer relevant.

Within the City of Tulsa Zoning Code, PUD Section 1107.K.9, a minor amendment may be permitted when "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 applicants request for a 17.5' building setback. We have determined that this request does not substantially alter the original character of the PUD and will not result in any increase incompatibility with the present and anticipated future use of the proximate properties.

Staff recommends **APPROVAL** of the minor amendment request PUD-579-A as outlined above.

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

9. **PUD-579-A-12 – Sean Pendley**, Location: North of northwest corner of South 101st East Avenue and East 81st Street, Requesting a detail site plan for a new medical office in PUD-579-A, **CO/PUD-579-A**, (CD-7) (Related to Item 8)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new medical office in PUD-579-A. The following uses are permitted in this development area: Use Unit 2 (Community Centers), Use Unit 5 (Townhouse Dwellings and Multifamily Dwellings) Use Unit 11 (offices, studios and support services) and uses customarily accessory to permitted uses.

PERMITTED USES:

The Site Plan provided as an attachment to this staff report illustrates a new medical office building (Use Unit 11) which is permitted by right in Lot-2, Block-1 of PUD-766.

DIMENSIONAL REQUIREMENTS:

The new building is shown on the plan is a 9170 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 and building lighting will be directed down to help prevent light trespass into the adjacent properties. 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 does not illustrate ground sign locations. 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 579-A-12. 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 579-A-12, 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.)

10. **PUD-306-F-1 – Mike Marrara**, Location: 2805 East 97th Court South, Requesting a **Minor Amendment** for one wall sign on a building facing South Delaware Avenue, **CO/PUD-306-F**, (CD-2)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a minor amendment to add one wall sign for the Mansions Riverside apartment complex as shown on the attached building elevation and site plan. The proposed wall sign will be placed on an existing building that has been constructed as part of the common area

of the apartment complex and will face South Delaware Avenue. The underlying zoning is Corridor.

Minor Amendment Summary:

The original PUD, which was approved in 1998, did not prohibit wall signs. The PUD only defined ground sign standards for this project. The minor amendment has been prepared to clarify the wall sign standards and limitations.

The proposed wall sign standards are as follows:

Only one wall sign will be allowed within the PUD and will not exceed three (3) square feet of display surface area per linear foot of building face. The only building that may have a wall sign is the office building and it must be placed on the narrow side of the building facing Delaware.

Staff Summary:

Within the City of Tulsa Zoning Code, PUD Section 1107.K.12, a minor amendment may be permitted when ... “Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) are not substantially altered.”

Staff has reviewed the applicants request and has determined that one wall sign, which is allowed in the underlying CO zoning, will not result in any increase incompatibility with the present and future use of the proximate properties.

Staff recommends **APPROVAL** of the minor amendment request PUD-306-F as outlined above.

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

11. **PUD-370-B – Joe Kelley**, Location: Northwest of the intersection of East 106th Street South at South Memorial Drive, Requesting a **Detail Site Plan** for a medical office, medical supply store and health food store in a single multi-use building, Use Unit 11, **OL/CS/PUD-370-B**, (CD-8)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting approval of a detail site plan for a medical office, medical supply store and health food store in a single multi-use building. The proposed use, Use Unit 11 is a permitted use in PUD-370-B.

Dimensional Standards:

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Vehicular access to the site will be provided from East 106th Street South which is a private street. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Zoning Code.

Landscaping and Screening:

Landscaping will be provided per the PUD and Landscape Chapters of the Zoning Code. All site lighting, including building mounted, will be limited to 15 feet per PUD limitations for exterior lighting. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along East 106th Street as required by PUD Development Standards and Subdivision Regulations.

Lighting:

Lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said residential district.

Pedestrian and Transit Access:

A link for pedestrian access to an existing sidewalk or accessible ramp on South Memorial Drive is provided. Distinct pedestrian access is provided from the sidewalk along 106th Street along sidewalks provided to the building in at least three locations.

Staff Summary:

The site plan submitted meets or exceeds the minimum standards outlined in the approved Planned Unit Development and the City of Tulsa Zoning Code and therefore recommends **APPROVAL** of the detail site plan for Lots 1 and 2, Block 1 in Avalon Park Subdivision in PUD-370-B as submitted.

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

TMAPC COMMENTS:

Mr. Leighty requested that all cases have an aerial provided in the packets.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the consent agenda Items 2 through 11 per staff recommendation.

* * * * *

PUBLIC HEARINGS:

- 12. **LS-20564** - Lot-Split, Location: West of the southwest corner of South Yale Avenue and East 191st Street South (County, District 3)

STAFF RECOMMENDATION:

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

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

The Technical Advisory Committee met on November 15, 2012. County Engineering is requesting 50' of Right-of-Way Easement along East 191st Street South. The applicant is aware of this requirement and has agreed to the easement.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the waiver of *Subdivision Regulations* and the lot-split.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the waiver of *Subdivision Regulations* and the lot-split for LS-20564 per staff recommendation.

* * * * *

13. **PUD 595 C** – Plat Waiver, Location: Southeast corner of East 67th Street South and South 101st East Avenue (8406) (CD 7)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a PUD amendment.

Staff provides the following information from TAC at their November 15, 2012 meeting:

ZONING:

TMAPC Staff: The PUD amendment for warehousing and wholesale uses and an increase in land coverage does not change the physical development enough to warrant a new plat.

STREETS:

No comments.

SEWER:

No comments.

WATER:

No comments.

STORM DRAIN:

No comments.

FIRE:

No comments.

UTILITIES:

No comments.

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

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

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

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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the plat waiver for PUD-595-C per staff recommendation.

* * * * *

14. **CZ-416** – Plat Waiver, Location: West of southwest corner of South Yale Avenue and East 191st Street South (County, District 3)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to AG-R for a lot split.

Staff provides the following information from TAC at their November 15, 2012 meeting:

ZONING:

TMAPC Staff: A plat is unnecessary for this small parcel at this time.

STREETS:

Right-of-way dedication may be needed per County Engineer approval.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

Out of Tulsa area, no comment.

UTILITIES:

No comment.

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

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

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

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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the plat waiver for CZ-416 per staff recommendation.

* * * * *

15. **Z-7212 – Lou Reynolds**, Location: South of southwest corner of East 101st Street and South Memorial Drive, Requesting rezoning from **AG to CS**, (CD-8)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

Subject Property:

BOA-17835 September 23, 1997: The Board of Adjustment approved a Special Exception to permit a 90' monopole cellular antenna supporting tower (Use Unit 4) in an AG district, per plan submitted, on property located at south of the southwest corner of East 101st Street and South Memorial Drive and is on the north part of the subject property.

Surrounding Property:

Z-6922/PUD-370-B February 2004: All concurred in approving a request to rezone a 9.87± acre tract from RM-1/RS-2/PUD to CS/OL/RM-1/RS-2/PUD and a Major Amendment to PUD with modifications made by the TMAPC pertaining to an 8 foot privacy fence on western boundary, restricting windows on the 2nd story of west walls and office buildings being residential in character. The property is located south of southwest corner of East 101st Street and South Memorial Drive and abutting south of subject property.

PUD-370-A July 1997: All concurred in approval of a Major Amendment to PUD, to allow a 100' telecommunication tower in the center of the PUD, on property located south of southwest corner of East 101st Street and South Memorial Drive and abutting south of subject property.

PUD-378-A January 1997: A request for a major amendment to change the permitted uses in development areas, in PUD-378 originally approved for an office and commercial development, from greenbelt and offices uses to a single-family gated, residential development. The property is located on the southwest corner of East 101st Street South and South Memorial Drive and abutting north of subject property.

Z-5973/PUD-370 September 1984: A request was made to rezone a 10+ acre tract of land, from AG to RM-1/PUD for a church and multifamily uses. All concurred in approval of RM-1 zoning on the east 350' and RS-2 on the balance of the tract and the Planned Unit Development, on property located south of southwest corner of East 101st Street and South Memorial Drive and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 25± acres in size and is located south of southwest corner so East 101st Street and South Memorial Drive. The property appears to be vacant and is zoned AG. This request is part of a larger tract of undeveloped property on the west side of Memorial. This undeveloped property is not included in a published master plan or small area plan and has great potential to be a significant retail and mixed use project for this part of Tulsa.

SURROUNDING AREA: The subject tract is abutted on the east by the City of Bixby, zoned CS; on the north by commercial development, zoned CS/PUD-378; on the south by an office development, zoned RM-1/OL/PUD-370-B; and on the west by vacant and wooded land, zoned AG. Further to the west the vacant parcel is adjacent to Bridal Trails Estates which is a rural style single family residential subdivision developed by County Standards.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Memorial as a Multi Modal street and Commuter Corridor which is designated a primary arterial street in the Master Street and Highway Plan.

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

“The most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically this type of street is highly auto oriented and tends to discourage walking and bicycling. On street parking is infrequent.”

The connectivity opportunities at this site are limited to stub streets west of the CS request into the Bridal Trails subdivision. The comprehensive plan encourages interconnectivity however the context for connections must be a significant part of the identification of this vehicular or pedestrian network. As part of the remaining parcel west of the requested CS zoning area there must be some connectivity analysis to insure proper vehicular and pedestrian connectivity throughout this site. This parcel should be part of a master plan that can only be monitored at the Planning Commission level through the Planned Unit Development process or through the Corridor Plan process that would cover the entire undeveloped parcel that has not yet been developed.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial	120'	5

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use (Regional Center)

“Regional Centers are mid-rise mixed-use areas 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. Parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.” The Regional Center concept relies on the internal circulation system which could include shared parking, on street parking and generally can be implemented through an internal system which also encourages a comprehensive look into the total remaining land to be developed in this area.

The request for a 25 acre parcel as straight zoned CS is all within the Regional Center area however it limits the general overview of the site which is important to this development area and to the City of Tulsa. While the zoning request may be appropriate it is important in this context to reduce the amount of requested zoning to cover the less of the proposed 25 acres.

STAFF RECOMMENDATION:

The requested CS zoning classification is in conformance with the comprehensive plan vision for the area. This is significant in size and has the opportunity to be integrated with future development of the adjacent property to the west.

Rezoning of the entire 25 acre parcel will limit the ability of a project that can be fully consistent with the “Regional Center” designation.

Staff recommends denial for the request to zone the entire 25 acres as requested by the applicant. This particular denial is centered on the contextual development concerns of the remaining land in this area. The anticipated mixed development of the remainder of the site should be included as some type of master plan.

Staff supports a smaller CS zoning request with the understanding that additional development opportunities outside the subject tract will require a Planned Unit Development or other master planned zoning strategy to accommodate appropriate design considerations for storm water detention, screening, lighting, traffic patterns, density and other issues that are important to this neighborhood and region. Future development will require more than the minimum standards outlined in the current City of Tulsa Zoning Code.

We have been in contact with the applicant who agrees that the future development of the site should be a planned development and also agrees that the requested 25-acre CS request can be substantially reduced in size.

Therefore, staff recommends **APPROVAL** for a 13.0-acre CS zoning that is defined as the south 1050 feet of the parcel identified on the attached CS Zoning Exhibit “A” dated November 29, 2012

Applicant’s Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing the Warren Foundation, stated that this is being rezoned to CS for a Saint Francis Urgent Care facility and detention facility along the frontage. Mr. Reynolds explained that it would be difficult to prepare a PUD at this point since Saint Francis is agreeing to a “Life Estate” on the balance of the property. He further explained that once the seller passes, then Saint Francis can determine what to do with the balance of the subject property, but it would be difficult to plan anything at this time. There is 18 acres that is free of the “Life Estate” and Saint Francis will be selling it to someone. The South 13 acres will be rezoned to CS for the Urgent Care facility.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Reynolds if he would be willing to apply for a PUD for the remaining acreages because if it is sold in parcels it will be tough for the Planning Commission. Mr. Reynolds stated that he is not asking to rezone anything except the 13 acres and the balance will remain AG. It will be rezoned accordingly later. Mr. Reynolds informed Mr. Leighty that he has a letter of intent right now to sell 18 acres in one piece, which is the northern-half that is not subject to "Life Estate". There is nothing to put in a PUD at this time. There will be 600 feet between the proposed zoning and the neighborhood.

Mr. Walker clarified that the southern frontage will be for the Saint Francis Urgent Care facility and the northern frontage will be sold. Mr. Reynolds stated that is correct and Mr. Solow is keeping about 24 acres with "Life Estate" on it and Saint Francis doesn't know what to plan for at this time.

Mr. Dix asked Mr. Solow if he mind stating his age. Mr. Solow stated that he was 73 years old.

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 **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to recommend **APPROVAL** of the CS zoning for Z-7212 for 13.0-acre that is defined as the south 1,050 feet of the parcel.

Legal Description for Z-7212:

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.) ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NE/4 OF SAID SECTION 26; THENCE NORTH 01°00'34" WEST AND ALONG THE EAST LINE OF SAID NE/4, FOR A DISTANCE OF 330.00 FEET; THENCE SOUTH 88°47'43" WEST, FOR A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHEAST CORNER OF "AVALON PARK ON MEMORIAL", AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, (PLAT NO.5838); THENCE CONTINUING SOUTH 88°47'43" WEST AND ALONG THE NORTH LINE OF SAID ADDITION, FOR A DISTANCE OF 540.00 FEET; THENCE NORTH 01°00'34" WEST AND PARALLEL WITH SAID EAST LINE NE/4, FOR A DISTANCE OF 1,048.67 FEET; THENCE NORTH 88°47'43" EAST AND PARALLEL WITH SAID NORTH LINE,

FOR A DISTANCE OF 540.00 FEET; THENCE SOUTH 01°00'34" EAST AND PARALLEL WITH SAID EAST LINE NE/4 A DISTANCE OF 1,048.67 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 566,280.00 SQUARE FEET, BEING 13.000 ACRES, MORE OR LESS.

* * * * *

16. **Z-7213 – Lou Reynolds**, Location: East of northeast corner of West 71st Street and South Olympia Avenue, Requesting rezoning from **AG to OL/CS**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21996 dated February 13, 2009, and 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-768-A Abandonment April 2011: All concurred in approval of a proposed Planned Unit Development on a 6.39± acre tract of land to abandon PUD-768, to propose a new PUD-783 on property located east of northeast corner West 71st Street and Highway 75.

Z-7195/PUD-790 March 2012: All concurred in approval of a proposed Planned Unit Development on a 4± acre tract of land for a life care retirement center and assisted living facility, on property located east of northeast corner of West 71st Street and South Olympia Avenue.

PUD-783-A September 2011: All concurred in approval of a Major Amendment to PUD-783 on a 2.69± acre tract of land to add to Development Area A and to allow for access between PUD-783 and Olympia Medical Park/PUD-648 to the west, on property located east of the northeast corner of Highway 75 South and West 71st Street.

PUD-648-B/ Z-6001-SP-3 April 2010: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-7122/PUD-768 February 2009: All concurred in approval of a request for rezoning a 6.39± acre tract of land from AG to OL/CS for hotel, retail and office, on property located east of northeast corner West 71st Street and Highway 75.

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

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

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

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

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10± acres in size and is located east of northeast corner West 71st Street and South Olympia Avenue. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and single family residential property which is zoned AG/ RM-2/PUD-790; on the north by a large single family residential lot which is zoned RS-3; on the south by West 71st, and then Tulsa Hills commercial development, zoned CO; and on the west by a convenience store, vacant property and a medical office park, zoned CO/PUD-648-B.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates West 71st Street South as a Multi Modal street and Freight Corridor and is designated a primary arterial street in the Master Street and Highway Plan. This heavily used vehicular traffic corridor will ultimately provide dedicated transit lanes, wide sidewalks with transit access, bicycle lanes on designated bike routes, tree lawns and on-street parking opportunities.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71st Street	Primary Arterial	120'	6

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

OL Request (7.99 acre site adjacent to the north property line):

This portion of the property is on the north end of the site and is included in the New Neighborhood designation in the land use maps in the Comprehensive Plan. The new Neighborhood Residential Building Block is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

The new neighborhood should be governed by subdivision standards that promote good street connectivity.

CS Request (2.61 acre site nearest 71st):

This portion of the property is on the south portion of the request and is included in the Mixed-Use Corridor definition of the comprehensive plan. "Mixed use corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and town house developments, which step down intensities to integrate with single family neighborhoods. Mixed use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-use Corridors include windows and storefronts along the sidewalk with automobile parking generally located on the side or behind".

STAFF RECOMMENDATION:

The zoning pattern requested is generally in compliance with the guidelines defined in the Comprehensive Plan. The OL zoning request allows town homes, duplex dwellings, and other residential uses in mixed use buildings. Office uses are allowed.

The CS designated parcel is adjacent to West 71st Street South and is included in the Mixed-Use Corridor in the comprehensive plan. This CS designation is appropriate for the 71st Street corridor and the comprehensive plan.

After review of the surrounding area and review of the Comprehensive Plan staff recommends approval for the requested zoning in Z-7213.

INTERESTED PARTIES COMMENTS:

Angelle Cole, 2440 West 81st Street, 74132, expressed concerns with traffic and the ingress/egress for the subject property. (Email Exhibit A-2.)

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing the Warren Foundation, submitted a photograph of the intersection (Exhibit A-1), and stated that his client is purchasing the subject property to provide a minor medical center for Saint Francis on west 71st Street. He explained that the subject property will share the lighted/signalized intersection as the primary ingress/egress. Mr. Reynolds further explained that there would be a right-turn in and right-turn out along 71st Street where the primary access is located at the signal. Mr. Reynolds explained that there is a mutual access road where the proposal will have access to as well. He doesn't believe the proposal will have much impact on traffic. There are sidewalks in place and there are six-lanes for traffic. Mr. Reynolds indicated that he is in agreement with staff's recommendation.

Ms. Cole indicated that she was satisfied with the answers.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to recommend **APPROVAL** of the OL/CS zoning for Z-7213 per staff recommendation.

Legal Description for Z-7213:

That part of the Southwest Quarter of the Southeast Quarter (SW/4 SE/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 U. S. Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING AT A POINT 660 feet North of the Southwest Corner of said Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section Two (2), Township Eighteen (18) North, Range Twelve (12) East; thence North 660 feet to a point; thence East 528 feet to a point; thence South 1320 Feet to a point; thence West 198 feet to a point; thence North 660 feet to a point; thence West a distance of 330 feet to the point of beginning.

* * * * *

17. **PUD-307-C – Sisemore Weisz & Associates, Inc.**, Location: East of northeast corner of East 71st Street and South Utica Avenue, Requesting a **Major Amendment** for proposed multi-story town center building and minor building expansions to the health care center building proposed new parking lot areas, **OM/PUD-307-B to OM/PUD-307-C**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20754 dated December 18, 2003, and 15637 dated March 24, 1983, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-307-B December 2003: All concurred in approval of a proposed Major Amendment to PUD on a 26.5± acre tract of land to add property to the PUD and add a third Development Area, defined as the Western Development Area. It also modified development standards for the Northern Development Area to expand the existing campus. It includes elderly housing apartments and future retirement villa housing, on property located north and east of northeast corner East 71st Street South and South Utica Avenue.

BOA-19669 September 23, 2003: The Board of Adjustment approved a Special Exception for a proposed sports complex, basketball, soccer, tennis, walking, jogging and bicycle paths, baseball, softball, and other outdoor recreational activities including three picnic shelters, restrooms, to be used in connection with community activities of Jewish Federation of Tulsa; and a Special Exception for parking on adjacent property to meet parking requirements, per plan, with conditions: there be no evening softball or soccer events and no lighting provided; and for a tie-agreement between the adjacent property to the south and the subject tract, on property located at 2021 E. 71st St. S. which includes the subject property.

PUD-307-A June 2001: All concurred in approval of a proposed Major Amendment to the PUD for addition of a museum, renovate and update existing facilities and to increase the floor areas and building height, on property located north and east of northeast corner East 71st Street South and South Utica Avenue.

Z-5788/PUD-307 December 1982: All concurred in approval of a request to rezone a tract of land from RS-3 to OM/PUD. The existing use of the property was a community recreational facility and cultural center. The Planned Unit Development included an elderly housing and extended care facility, on property located north and east of northeast corner East 71st Street South and South Utica Avenue.

BOA-6649 May 5, 1970: The Board of Adjustment approved a Special Exception to permit construction of a community center building with park facilities, tennis courts, swimming pools, and baseball parks located on the subject tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located east of northeast corner East 71st Street and South Utica Avenue. The property appears to be developed as a senior care facility and is zoned OM/PUD-307-B.

SURROUNDING AREA: The subject tract is abutted on the east by multi story office space, zoned OM/CS; on the north by multifamily common area and tennis courts, zoned RM-1; on the south by 71st and across 71st is multi story mixed use, zoned OM/ PUD-282-A; and on the west by multifamily and office space, zoned OM/PUD-307-B.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East 71st Street South as a Multi Modal street and Commuter Corridor which is designated a primary arterial street in the Master Street and Highway Plan.

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

“The most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials may have intersections and driveways that provide access to adjacent businesses. Historically this type of street is highly auto oriented and tends to discourage walking and bicycling. On street parking is infrequent.”

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 71st Street	Primary Arterial	120'	6

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use (Regional Center)

“Regional Centers are mid-rise mixed-use areas 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. Parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.” The Regional Center concept relies on the internal circulation system which could include shared parking, on street parking and generally can be implemented through an internal system which was developed as part of the previous infrastructure improvements for this site.

This proposed multi story town center building and minor building expansions to the health care center building, parking expansion and related site improvements are all consistent with the comprehensive plan vision for a “Regional Center”.

STAFF RECOMMENDATION:

The proposed expansion is consistent with the original concept of the Planned Unit Development and conceptual plan.

The proposed expansion is consistent with the vision of the Regional Center concept identified in the Comprehensive Plan.

Staff recommends **APPROVAL** of PUD 307-C as outlined in the applicants PUD submittal dated October 25th, 2012 as follows.

APPLICANTS DEVELOPMENT CONCEPT & MAJOR AMENDMENT REQUEST:

Tulsa Jewish Retirement & Health Center, a senior care community located at 2025 E. 71st St. S., has served residents at their south Tulsa continuum care facility since 1984. With gradual expansion of their campus community from approximately 12 acres to 27.40 acres, the planned unit development in which the facility is located within (PUD 307) is comprised of three distinct development areas, having received support of various PUD amendments since approval of PUD 307 in 1983.

The proposed campus improvements at this time include a proposed town center building, minor building expansions to the health care center building, proposed new parking lot areas, and related site improvements as illustrated upon the Conceptual Site Plan exhibits contained within this report. Additionally, a 3-story assisted living unit facility with an at-grade parking structure is proposed, as shown on the Conceptual Site Plan –

Option 2 exhibit, provided the project budget is supportive of this building improvement. All of these proposed improvements are contained within the PUD “northern” and “southern” development areas, as reflected upon the Conceptual Site Plan exhibit sheets.

With respect to the proposed building and site improvements as cited above, all of the proposed improvements within the PUD “northern” area can be achieved under the existing PUD northern development area standards, with the exception of an amendment request for reduction in livability space area as listed upon page 2 of this report. With this livability space reduction request, over 25% of the northern development area will still be maintained as open space. The improvements to the PUD “southern” development area, although very limited, will require approval of an amendment to support additional building square footage in this development area, as the building floor area requested for the PUD southern development area under the original PUD was set unusually low at 66,752 square feet (less than the actual 83,983 square feet of building floor area presently contained within this development area). With approval of a requested 90,000 SF for this development area, significantly below what the underlying OM zoning classification would potentially support, the existing and proposed building floor area in this development area will be consistent with allowable PUD development standards. Additionally, with respect to the PUD southern development area, minimum building setbacks from development area boundaries have been redefined to provide consistency with building setback lines shown upon the subdivision plat of the subject property (Camp Shalom Amended II, platted in 2004), as well as to support minor building expansion efforts within this development area, as necessary.

With approval of this PUD major amendment application, the Tulsa Jewish Retirement & Health Center campus (Zarrow Campus) will continue with its quest of providing excellent care and support for senior Tulsa residents.

DEVELOPMENT STANDARDS (NORTHERN DEVELOPMENT AREA)

(Within the area north of the Development Use Line established by the Camp Shalom Amended Plat)

PERMITTED USES:

Elderly Housing Apartments, Extended Care Facility, Administrative Office, Dining Facilities and Accessory Uses.

MAXIMUM NUMBER OF UNITS: 171

MAXIMUM BUILDING HEIGHT: 6 Stories

MINIMUM BUILDING SETBACKS:

From the Development Use Line 0 feet
From the East boundary of the Development Area 100 feet
From the North boundary of the Development Area 80 feet
From the West boundary of the Development Area 0 feet

PARKING:

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

MINIMUM LIVABILITY SPACE: 2.25 Acres*

*Reduction from 4.25 Acres to 2.25 Acres to allow for proposed building and parking improvements within the Northern Development Area.

LANDSCAPING: All landscaping shall comply with the requirements of the Tulsa Zoning Code.

OTHER BULK & AREA REQUIREMENTS: As established within the OM zoning district.

SIGNAGE: As established within the OM zoning district.

DEVELOPMENT STANDARDS (SOUTHERN DEVELOPMENT AREA)

(Within the area south of the Development Use Line established by the Camp Shalom Amended Plat)

PERMITTED USES:

School, Community Center, and Museum uses, as included within Use Unit 5.

MAXIMUM BUILDING FLOOR AREA: 90,000 SF*

*increase from 66,752 SF approved per PUD-307-A to account for existing 83,983 SF of building floor area in Southern Development Area to date, along with proposed Health Center building expansion and future additional building expansion.

MAXIMUM BUILDING HEIGHT: 60 Feet

MINIMUM BUILDING SETBACKS:

From the Development Use Line 0 feet
From the East boundary of the Development Area 100 feet*
From the West boundary of the Development Area 17.50 feet*
From the South boundary of the Development Area 35 feet*

*redefined to provide consistency with building setback lines shown upon the subdivision plat of the subject property (Camp Shalom Amended II,

platted in 2004), as well as to support minor building expansion efforts within the southern development area, as necessary.

PARKING:

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

LANDSCAPING:

A minimum of 15% of the net lot area shall be landscaped and all landscaping shall comply with the requirements of the Tulsa Zoning Code.

OTHER BULK & AREA REQUIREMENTS:

As established within the OM zoning district.

SIGNAGE:

As established within the OM zoning district.

PUD LEGAL DESCRIPTION:

LOT 1, BLOCK 1, CAMP SHALOM AMENDED II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

Applicant's Comments:

Darin Akerman, Sisemore Weisz & Associates, Inc., representing the owner, stated that staff has summarized it well. Mr. Akerman listed the various proposals for the subject property as indicated in the staff recommendation.

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 **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-307-C per staff recommendation.

Legal Description for PUD-307-C:

Lot 1, Block 1, Camp Shalom Amended II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

18. **CZ-420 – Jeff Potter**, Location: Southeast corner of East 116th Street North and North 129th East Avenue, Requesting rezoning from **AG to CS**, (County, District 1)

TMAPC COMMENTS:

Mr. Dix disclosed that he has ex parte communication regarding this item.

STAFF RECOMMENDATION:

Mr. Wilkerson indicated that the applicant has requested a continuance to December 19, 2012. The applicant is continuing to discuss this case with the City of Owasso.

INTERESTED PARTIES COMMENTS:

Traci Conley, 12602 East 116th Street North, Owasso, Oklahoma 74021, expressed concerns about traffic and the fact that there is no signal at the intersection.

Mr. Walker informed Ms. Conley that this case will likely be continued and she will have a chance to come back and hear their plans for that.

Mr. Dix asked Ms. Conley if she is in agreement with the continuance. She indicated that she was in agreement with the continuance.

Karl Fritschen, City Hall, City of Owasso, 74055, submitted a letter from the City of Owasso, maps and consent for annexation letter (Exhibit B-1), stated that he is the Community Development Director for the City of Owasso. Mr. Fritschen stated that he has met with the applicant on numerous occasions and the TMAPC staff. Mr. Fritschen indicated that Owasso is in a position where they can support the rezoning to CS for the entire tract of land. Mr. Fritschen stated that he would prefer that it be considered today and Owasso has no further objections to the request. He explained that a small portion of the subject property is designated for residential in the Owasso Land Use Plan, but Owasso was planning to expand the commercial area on the subject corner and updating the Land Use Plan. Mr. Fritschen stated that Owasso believes that by this property coming into the city limits will allow to serve it with sanitary sewer, which is to everyone's benefit.

Mr. Fritschen commented that he would like to ask that the entire property be considered today since it was legally noticed. Mr. Fritschen addressed the traffic issues mentioned and explained that the City of Owasso is currently going through their Capital Improvements Program and if this subject property comes into the City it have a better opportunity to address the traffic concerns. Mr. Fritschen stated that there is a financial package that the City of Owasso has worked out with the purchaser of the subject property and the City intends on honoring that no matter what today's

decision is. He explained that any official annexation will be held until March since they are currently going through a Council election process. Mr. Fritschen stated that he believes it is illegal to actually expand the City limits between the timeframe of December and March. Mr. Fritschen concluded by stating that this newly revised letter and decisions came up at 10:00 a.m. this morning and there are no objections from the City of Owasso for the CS zoning.

TMAPC COMMENTS:

Mr. Walker asked Mr. Fritschen if he was opposed to a continuance. Mr. Fritschen stated that he is not opposed to it, but the City of Owasso's issues have been worked out.

Mr. Leighty asked who is requesting the continuance. Mr. Fritschen stated that it was not Owasso.

Applicant's Comments:

Steve Schuller, Attorney for the applicant, 100 West 5th Street, Suite 1100, 74103, stated that the discussions between the purchaser of the property and the City of Owasso are in a revolutionary process right now. Mr. Schuller explained that he was brought in at the last minute and there are some loose ends that need to be tied up. Meeting the City's needs and meeting the County's needs, the intersection issues and other issues that need to be worked out so that he can return to the Planning Commission with a solid agreement that everyone is happy with. Mr. Schuller requested a continuance to December 19, 2012. Mr. Schuller indicated that he informed Mr. Wilkerson that he would be requesting a continuance yesterday afternoon.

TMAPC COMMENTS:

Mr. Dix stated that he would like to know what is being worked out for the discussed intersection when Mr. Schuller returns on the 19th because it is a dangerous intersection. Mr. Schuller stated that he believes it is fair to know what types of traffic controls will be in place and that is the type of details that he would like to get worked out in advance of the consideration of the zoning.

Mr. Liotta asked Mr. Schuller if he knows who would be responsible for the signalization of the intersection. Mr. Schuller stated that he doesn't know at this time.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **CONTINUE** CZ-420 to December 19, 2012.

19. **Z-7008-SP-5 – Lou Reynolds**, Location: North of northwest corner of West 81st Street and South Olympia Avenue, Requesting a **Corridor Development Plan** to allow drive-in restaurants, Use Unit 18, Drive-In Restaurants, **CO/Z-7008-SP-1 (Development Area F)**, (CD-2) (Related to Item 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21009 dated February 18, 2005, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7008-SP-4 September 2011: All concurred in approval of a Corridor Plan for a 2.29± acre tract of land to add Use Unit 17 to the permitted uses and to re-allocate floor area, on property located north of northwest corner of West 81st Street and South Olympia Avenue.

Z-7008-SP-3 December 2009: All concurred in approval of a Corridor Site Plan on a 6.56± acre tract of land to add auto wash only within Use Unit 17 on tract 2-C, in the Tulsa Hills development, on property located north of northeast corner of West 81st Street and South Olympia Avenue.

Z-7008-SP-2 March 2008: All concurred in approval of a Corridor Site Plan on a 1.31± acre tract of land to add tire sales, brake repair/ replacement, chassis alignment, shock absorber maintenance and installation, battery sales, oil changes and lubrication, and engine tune-up services only, to the permitted uses of Tract A, in the Tulsa Hills development, and to approve specific building materials as well as orientation of service bay doors, on property located north of northwest corner of West 81st Street and South Olympia Avenue.

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

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.2± acres in size and is located north of northwest corner of West 81st Street and South Olympia Avenue. The property appears to be undeveloped and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by a convenience store under construction and zoned CO; on the north by commercial development and zoned CO; on the south by undeveloped

property and also zoned CO; and on the west by Highway 75. West of Highway 75 several parcels are also zoned CO.

UTILITIES: The subject tract has municipal water and sewer available. All franchise utilities and drainage infrastructure has been installed as part of the Tulsa Hills Development Plan.

TRANSPORTATION VISION:

The Master Street and Highway Plan designates 81st as a Secondary Arterial Street with up to 5 lanes of traffic anticipated with full development. 81st has not been designated as a mixed use corridor in our Comprehensive Plan.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 81st St	Secondary Arterial	100	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan designates this tract as part of a REGIONAL CENTER:

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 entire area surrounding this proposed use is a vehicular oriented development and is expected to continue to develop to a strong vehicular corridor. This proposed use complements a vehicular standard however it also encourages some pedestrian and outdoor activity with the normal prototype store and will encourage some pedestrian movement and provide outdoor dining opportunities.

This site is part of a large area of growth in the Growth and Stability Map inside the comprehensive plan.

STAFF RECOMMENDATION:

Development Concept:

The Applicant is seeking a major amendment to a small portion of the Corridor Plan prepared for the development of Tulsa Hills Shopping Center. Originally “Drive in Restaurants” were not an allowed use. The requested proposed Use Unit 18 is a small area adjacent to heavily used vehicular corridors that border the site on the west and south. The

convenience store adjacent to the east of the site is also complimentary to this use.

At this location inside the Tulsa Hills Development the drive-in restaurant is noninvasive to the neighborhood and will be an integral use the vehicular traffic priority system in the area.

Relationship to Previously approved Corridor Plan (Z-7008-SP-1 for Tulsa Hills Development):

1. Bulk and area requirements outlined in the underlying Corridor Development Plan will remain the same.
2. Add Use Unit 18 "Drive in Restaurant" within this area only.
3. All other development standards as defined in the Tulsa Zoning Code remain in effect for this Corridor Major Amendment.

Therefore, Staff recommends **APPROVAL** of Z-7008-SP-5

TMAPC COMMENTS:

Mr. Leighty asked where the ingress/egress is located. In response, Mr. Walker stated that on the east half of the subject lot there is an existing convenience store under construction and on the lot-line there is a shared driveway that is being constructed. The drive-in restaurant would have access off of 81st Street at the lot-line and there is a mutual access easement allowing traffic to enter the site from 81st Street across the convenience store site. Mr. Leighty expressed concerns with the location of the drive-in and the highway traffic. Mr. Wilkerson stated that some interesting engineering questions will have to be answered. Mr. Wilkerson further stated staff reviewed this site and believes that it was an appropriate use.

Mr. Leighty asked if this application has been to a Technical Advisory Committee (TAC) meeting. In response, Mr. Wilkerson stated that there will be a TAC consideration for how this will work as it goes through the site plan process.

In response to Mr. Dix, Mr. Wilkerson stated that the existing access is already approved by ODOT and the applicant isn't asking for any additional access points onto 81st Street.

Mr. Bates stated that about one year ago the Planning Commission approved a lot-split on the site to create the two lots. As part of that lot-split there was a limited of no access from ODOT that already existed within the Corridor Plan and the plat. The lots were aligned to match with

the existing access points and there is no possibility of any additional ingress/egress points. The existing access has already been approved and the Kum-N-Go is already in operation. Mr. Bates stated that it would difficult to mitigate the use of 81st Street could be difficult for that site at this time. Mr. Dix stated that they could build a median in front of it.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing the Sonic Corporation, stated that this project went to TAC and reviewed by TAC. The intersection off of 81st Street is a right-in and right-out only. It is designed with a diamond in the middle of it. The primary access will be off of Olympia at the northeast corner of the Kum-N-Go site. The design of the right-turn in and right-turn out only was done during the lot-split application.

TMAPC COMMENTS:

Mr. Leighty stated that the right-in and right-out only design makes sense.

Ms. Cole indicated that this has satisfied with the design of the access.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to recommend **APPROVAL** of the Corridor Development Plan for Z-7008-SP-5 per staff recommendation.

Legal Description for Z-7008-SP-5:

LOT TWELVE (12) BLOCK ONE (1), TULSA HILLS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT #6154), **LESS AND EXCEPT**, A TRACT OF LAND SITUATED IN LOT 12 BLOCK 1, TULSA HILLS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SECTION 11, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT #6154. **BEGINNING** AT THE NORTHEAST CORNER OF LOT 12 BLOCK 1, OF SAID TULSA HILLS; THENCE N 85°42' 48" W AND ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 125.49 FEET; THENCE CONTINUING ALONG SAID NORTH LINE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 117.69 FEET AND A CENTRAL ANGLE OF 45°51'31" A DISTANCE OF 94.20 FEET WITH A CHORD BEARING OF S 69°19'18" W AND A CHORD DISTANCE OF 91.70 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S 47°00'18" W AND A DISTANCE OF 14.86 FEET; THENCE S 00°03'45" E A DISTANCE OF 300.90 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12; THENCE N 88°56'53" E AND ALONG THE SOUTH LINE OF SAID LOT

12 A DISTANCE OF 184.38 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 89°00'38" A DISTANCE OF 46.61 FEET WITH A CHORD BEARING OF N 44°26'34" E AND A CHORD DISTANCE OF 42.06 FEET; THENCE N 00°03'45" W AND ALONG THE EAST LINE OF SAID LOT 12 A DISTANCE OF 276.62 FEET; THENCE N 89°56'15" E AND ALONG THE EASTERLY LINE OF SAID LOT 12 A DISTANCE OF 8.00 FEET; THENCE N 00°03'45" W AND ALONG THE EAST LINE OF SAID LOT 12 A DISTANCE OF 23.99 FEET TO THE POINT OF BEGINNING

* * * * *

20. **Z-7008-SP-5** – Plat Waiver, Location: West of northwest corner of West 81st Street South and South Olympia Avenue (8211) (CD 2) (Related to Item 19)

STAFF RECOMMENDATION:

The platting requirement is being triggered by an amendment to a Corridor district to add a drive-in restaurant.

Staff provides the following information from TAC at their November 15, 2012 meeting:

ZONING:

TMAPC Staff: The property has been platted properly and a replat is not necessary at this time.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **Approval** of the waiver for the previously platted property.

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		X

- access to the site?
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?

X

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **APPROVE** the plat waiver for Z-7008-SP-5 per staff recommendation.

* * * * *

OTHER BUSINESS:

Commissioners' Comments

Mr. Liotta stated that it was good to see Mr. Carnes back at the TMAPC.

* * * * *

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling "absent") to **ADJOURN** TMAPC meeting No. 2639.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:25 p.m.

Date Approved:

12-14-12

Joshua L. Walsh
Chairman

ATTEST:

[Signature]
Secretary