

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2643

Wednesday, February 6, 2013, 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		Bates	Tohlen, COT
Carnes		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	
Edwards		Miller	
Leighty		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 31, 2013 at 3:48 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 first Form-Based Code workshop that was held January 29, 2013. Ms. Miller further reported that the next meeting is this evening at Family and Children's Services on Peoria at 6:00 p.m. The third meeting will be Monday, February 11, 2013 at the same location and time. Ms. Miller stated that the comments will be compiled and brought to the TMAPC work session on February 20, 2013.

Ms. Miller reported staff will present the 6th Street Infill Plan Comprehensive Plan Amendment will be on the TMAPC February 20th work session for discussion and consideration.

Ms. Miller reported that Ms. Warrick is preparing a draft ordinance regarding surface parking in Downtown Tulsa. This item will be on the February 20th work session as well.

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

* * * * *

Minutes:

Approval of the minutes of January 23, 2013 Meeting No. 2642

On **MOTION** of **SHIVEL** the TMAPC voted 11-0-0 (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the minutes of the meeting of January 23, 2013, Meeting No. 2642.

* * * * *

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

CONSENT AGENDA

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

2. **LS-20571** – (Lot-Split) (County) Location: Northwest corner of East 76th Street North and North Harvard Avenue
3. **LC-455** - (Lot-Combination) (CD 4) Location: Southwest corner of South Xanthus Avenue and East 6th Street
4. **LS-20572** – (Lot-Split) (CD 2) Location: East of East 75th Street South and South Lewis Avenue. **This Item removed from the Consent Agenda.**
5. **LC-456** – (Lot-Combination) (CD 5) Location: West of the northwest corner of West 52nd Place South and South 37th West Ave
6. **LS-20573** – (Lot-Split) (CD 4) Location: West of the southwest corner of West 6th Street and South Elwood Avenue (related to LC-457)
7. **LC-457** – (Lot-Combination) (CD 4) Location: West of the southwest corner of West 6th Street and South Elwood Avenue (related to LS-20573)

8. **LS-20574** – (Lot-Split) (CD 9) Location: South of the southwest corner of East 21st Street South and South Norfolk Avenue (related to LC-458)
9. **LC-458** – (Lot-Combination) (CD-9) Location: South of the southwest corner of East 21st Street South and South Norfolk Avenue (related to LS-20574)
10. **LS-20575** – (Lot-Split) (CD 7) Location: Northeast corner of East 101st Street South and South Mingo Road
11. **LC-459** – (Lot-Combination) (CD 1) Location: West of the northwest corner of the Gilcrease Expressway and North Yale Avenue (related to LS-20576, LS-20577, LC-460)
12. **LS-20576** – (Lot-Split) (CD 1) Location: West of the northwest corner of the Gilcrease Expressway and North Yale Avenue (related to LC-459, LS-20577, LC-460)
13. **LS-20577** – (Lot-Split) (CD 1) Location: West of the northwest corner of the Gilcrease Expressway and North Yale Avenue (related to LC-459, LS-20576, LC-460)
14. **LC-460** – (Lot-Combination) (CD 1) Location: West of the northwest corner of the Gilcrease Expressway and North Yale Avenue (related to LC-459, LS-20576, LS-20577)
15. **LC-461** – (Lot-Combination) (CD 1) Location: South of the southwest corner of East Ute Street and North Utica Avenue
16. **LS-20578** – (Lot-Split) (CD 1) Location: North of the northwest corner of East 46th Street North and North Peoria Avenue (related to LC-462)
17. **LC-462** – (Lot-Combination) (CD 1) Location: North of the northwest corner of East 46th Street North and North Peoria Avenue (related to LS-20578)
18. **Stonegate III – Reinstatement of Plat –** Location: East of the northeast corner of East 51st Street South and South 177th East Avenue (9425) (CD-6)

STAFF RECOMMENDATION:

This plat consists of 153 lots, six blocks, on 38.99 acres.

Staff has no objection to the reinstatement of the plat.

19. **PUD-364-7 – Brady Watson**, Location: Northeast corner of South Mingo Road at East 101st Street South, Requesting a **Minor Amendment** to allocate floor area to a parcel that will be split for a new convenience store, **CS**, (CD-7)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a minor amendment to allocate floor area to a parcel that will be split for a new convenience store.

Minor Amendment Summary:

- The original PUD allows 109,800 square feet for all of lot one.
- **The requested floor allocation will allow:**
 - **92,232 square feet on Tract A (Shopping Center Tract)**
 - **17,568 square feet on Tract B (Convenience Store Tract)**

Staff Recommendation:

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 floor area allocation. The allocation was determined by providing a ratio of land area to floor area for each parcel description and is consistent with the original intent of the PUD and the PUD section of the Tulsa Zoning Code.

Staff recommends **APPROVAL** of the minor amendment request PUD-364-7 as outlined in the Minor Amendment Summary above.

20. **PUD-260-B-10 – AAB Engineering, LLC/Alan Betchan**, Location: North of northeast corner of South Yale Avenue at East 71st Street South, Requesting a **Minor Amendment** for the use of common parking spaces inside the original PUD, **CS/PUD-260-B**, (CD-9)

STAFF RECOMMENDATION:

Concept Statement:

The original PUD-260 included a large reserve area for common parking and private streets inside the PUD. The subdivision plat defined the area as Reserve A in Hyde Park. As the project has continued to develop, the common parking has not been allocated as originally intended. This amendment is to clarify the users of the common parking area.

Minor Amendment Summary:

- 1) Allow shared parking for lots 2 and 3 of Hyde Park as well as Lots 1 and 4 of Hyde Park Second in Reserve Area A. Reserve A was originally established as a common parking area for Lot 5 in the original PUD-260. Subsequent PUD amendments and platting have shown that the original concept was ignored and the parcel that was Lot 5 has been developed with on-site parking that meets the current parking standards on site.
- 2) Reduction of parking requirements for Lot 3 of Hyde Park from 81 required spaces to 58 based on currently proposed uses.

Staff Recommendation:

Within the City of Tulsa Zoning Code, PUD Section 1106, "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".

The Tulsa Comprehensive Plan also recognizes the value of shared parking and common parking areas. This minor amendment is a good example of practical implementation of that component of our plan. The parking area is common ownership and maintenance as suggested in the Tulsa Zoning Code and Comprehensive plan

Staff recommends **APPROVAL** of the minor amendment request PUD-260-B-10 as outlined in the Minor Amendment Summary above.

21. **PUD-579-B/Z-6333-SP-2 – Dewberry Engineers, Inc./Paul Hames,**
Location: West of Highway 169 and North of 81st Street South,
Requesting **Detail Site Plan** approval for a 28,315 SF transportation support services building, **CO**, (CD-7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting a detailed site plan approval for a new Transportation Services building in PUD-579-B. The following uses are permitted in this development area: Use Unit 2 (Community Centers), Use Unit 5 (Hospital, Townhouse Dwellings and Multifamily Dwellings) Use Unit 11 (offices, studios and support services) and uses customarily accessory to permitted uses and Use Unit 19 (Hotel, Motel and Recreation) and uses customarily accessory to permitted uses.

PERMITTED USES:

The Site Plan provided illustrates a new office building (Use Unit 11) which is permitted by right in Lot-4, Block-1 of PUD-579-B, Lot 4.

DIMENSIONAL REQUIREMENTS:

The new building is shown on the plan is a 28,315 square foot structure and is two stories tall. 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. An existing parking area has previously been constructed. This building adds parking to meet the additional demand of the new building.

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 new 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 has been submitted to staff for separate review as allowed in the Planned Unit Development Section of the Zoning Code. The landscape concept is consistent with the minimum standards of the 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. An existing trail system north and east of the site can be accessed from this property.

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-B. 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-B, and the stated purposes of the Planned Unit Development of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detailed site plan for the proposed new transportation project that is an accessory use to Cancer Treatment Centers of America facility.

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

TMAPC COMMENTS:

Mr. Walker stated that there is an interested party for Item 4 and it will be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2, 3 and 5 through 21 per staff recommendation.

* * * * *

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

- 4. **LS-20572** – (Lot-Split) (CD 2) Location: East of East 75th Street South and South Lewis Avenue.

STAFF RECOMMENDATION:

Mr. Bates stated that the most northern tract “B” will be split off and replatted and added to a PUD, Item 26, which will be considered later in today’s meeting. This application meets all of the bulk and area requirements.

Ms. Graham chose not to speak on this application.

Applicant indicated his agreement with the staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the lot-split per staff recommendation for LS-20572.

* * * * *

PUBLIC HEARINGS:

22. **PUD—571-4 – Roy Johnsen**, Location: North and east of northeast corner of South Memorial Drive and East 81st Street, Requesting a **Minor Amendment**, (CD-8) (Applicant has requested a continuance to February 20, 2013.)

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing South Tulsa Storage, stated that his client has been at this location for a long time. Mr. Johnsen explained that he has been in contact with the adjoining property owners and he believes that they are about to reach an agreement, but would like to continue this application to February 20, 2013 to have more time.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the minor amendment for PUD-571-4 to February 20, 2013.

* * * * *

23. **Z-7216 – J & J Appliances, LLC**, Location: South of the southwest corner of 33rd Street North and North Peoria Avenue, Requesting rezoning from **CG TO IH**, (CD-1) (Applicant has requested a continuance to February 20, 2013.)

STAFF RECOMMENDATION:

Mr. Wilkerson stated that there is an existing appliance and resale operation on the subject property. Staff is recommending denial the IH

rezoning request. Staff has received a letter from Mr. John Moody requesting a continuance.

Applicant's Comments:

John Moody, 6004 South Marion, 74135, stated that he was hired by that applicant after he filed his application. Mr. Moody requested a continuance to allow him to meet with the staff and neighbors. Mr. Moody indicated that the application needs to be amended.

Mr. Moody stated that he has talked with a neighbor, Mr. Vernon Long, and he will be out of town for a month. Mr. Long may wish that the application be heard today or continue it for a long period of time.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Moody if he is in agreement that the requested zoning is wrong, and then make a new application. Mr. Moody stated that his client has already spent the money for the application and he would have to go through the entire process for notification again. His client is able, under the Zoning Code and under the Planning Commission's Policies, to amend his application to a lesser classification and that is what he plans to do. Mr. Moody stated that at this point he is not sure what he plans to do, but possibly go to the BOA or apply for a PUD. Mr. Moody concluded that the continuance is basically to preserve the fees that his client has already spent.

Mr. Midget stated that it is possible that the applicant can request a refund and reapply later. Mr. Wilkerson stated that that can be done, but the expenses for advertising and staff time has been spent.

Mr. Leighty asked if it would appropriate to allow Mr. Long to give his presentation since he spent so much time on his submittal.

Mr. Walker allowed Mr. Long to speak to the continuance request only.

Vernon Long, 6038 East 55th Street, 74135, stated that he is okay with the continuance.

After discussion it was determined to continue Z-7216 to March 6, 2013.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the Z-7216 to March 6, 2013.

24. **Z-7217 – Gregory S. Helms**, Location: Northeast corner of South Olympia Avenue and West 37th Street South, Requesting rezoning from **RS-3 TO IL**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6656 October 1998: All concurred in approval of a request for rezoning a 14,000± square foot tract of land from RS-3 to IL for office use on property located on the southwest corner of West 36th Street and South Maybelle.

BOA-14934 September 15, 1988: The Board of Adjustment approved a Special Exception to permit a mobile home in an RS-3 district; per revised plot plan submitted; and subject to the mobile home being utilized as a storage building only, with no residential use, on property located between West 37th Street and West 36th Place and South Olympia Avenue and South Nogales Avenue AND is also known as the subject property.

BOA-11546 July 23, 1981: The Board of Adjustment *approved* a **Variance** to permit the parking of public school buses and a wrecker on the property, as described in drawings submitted; *approved* a **Variance** to permit the fueling of buses on the condition that fueling is done from a buried fuel tank system; *denied* a **Variance** to permit a crushed rock base for the surface of the parking lot; *denied* a **Special Exception** to modify the screening requirements; *approved* a **Variance** to permit parking of automobiles and buses on property lines, on condition that the parking area is screened and that lighting is directed into the interior of the parking area on the property, be situated on 30' poles, and be shaded as described by the applicant; with conditions to require the applicant to secure permission from the City Hydrologist and submit the site plan and grading plan for approval in order to eliminate drainage problems as a contingency of approval of the use and to limit the use of the property for the duration of the school year only, on property located between West 37th Street and West 36th Place and South Olympia Avenue and South Nogales Avenue AND is also known as the subject property.

On **August 6, 1981** there was a **Request for Clarification** of the motion pertaining to fuel. The Board *Amended* the action taken at the July 23rd meeting, to allow fueling operation as outlined in the submitted letter from David Kimball, Fire marshal, dated August 5, 1981, to John Moyer, Attorney for Independent School District Number One of Tulsa County, Oklahoma, and as outlined in the City of Tulsa Zoning Code requirements for such gasoline dispensing facilities, to be considered in the same intent

as the previous action requiring underground storage facilities—that intent being to disallow a gasoline tanker to be on the premises at all times—the hours for dispensing fuel to be from 10:00 a.m. to 12:00 noon and from 3:30 p.m. to 5:30 p.m., for a period of one hour only during those stated hours.

AREA DESCRIPTION:

SURROUNDING AREA: The subject tract is surrounded by a small single family residential subdivision containing less than 150 lots west and south of a railroad spur. Beyond that residential area the majority of the area is IM or IH as illustrated on the zoning map included. North of West 36th Street South is outside of the City Limits of Tulsa and includes a large oil refinery complex.

UTILITIES: The subject tract is served with City of Tulsa municipal water and sanitary sewer.

TRANSPORTATION VISION:

None of the streets in the area are designated in the Tulsa Transportation Plan or on the Major Street and Highway Plan.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Olympia Ave.	None	NA	2
South Nogales Ave.	None	NA	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Category:

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: Staff supports the concept that IL zoning is an appropriate zoning classification in this land use land use category.

Growth and Stability Map:

The purpose for Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: The Board of Adjustment approved the variance which allows bus parking in 1981 after a public school burned and was later removed in 1965. Staff normally would not support IL in an established neighborhood however this particular request may be suitable in an effort to continue economic and employment activity that is appropriate to the comprehensive plan vision. Part of the growth area concept includes providing housing choices which will not be affected by this request.

STAFF RECOMMENDATION:

In summary:

- 1) The applicants request for IL zoning is not supported by the existing adjacent land uses. The IL request can be seen as a compatible zoning designation in close proximity to the area.

- 2) The anticipated land use (Employment Area) defined in the Comprehensive Plan supports this zoning and land use for future development opportunities however it also supports some residential mix.
- 3) The request for IL zoning could be considered spot zoning. Due to the previous Board of Adjustment decisions on the site and anticipated future development opportunities anticipated in this area staff supports the small IL consideration at this location.

Staff recommends **APPROVAL** of the applicants request for IL zoning.

TMAPC COMMENTS:

Mr. Leighty expressed concerns that at some time in the future the school could sell the property and it would still have the IL zoning, which is surrounded by single-family homes.

Mr. Carnes stated that in the past there have been quite a few areas similar to the subject property. It is quite evident that this subject area will not have new houses. The use is not being changed and they are simply improving the existing site. Mr. Carnes stated that this is something the Planning Commission should be respecting and approve the IL zoning.

Mr. Covey questioned why the existing neighborhood is considered an employment area in the Comprehensive Plan. Mr. Wilkerson stated that eventually the neighborhoods will go away and it is not anticipated that new houses will be built.

Mr. Edwards asked Mr. Wilkerson what gave him the impression that the neighborhood would transition away from residential into something a little harsher than that. Mr. Wilkerson stated that it was based purely on the Comprehensive Plan and its vision for the land use in the subject area and being designated as an employment area. Mr. Edwards asked Mr. Wilkerson if something has happened in the subject neighborhood to give him the impression that it wouldn't remain residential. Mr. Wilkerson stated that the neighborhood is really in transition from the sense that the houses have been there for many years and they are not well maintained. There are trailers on properties and he isn't sure if they are allowed by right or not. The neighborhood is in decline and to have the subject site improved might help the subject area. Mr. Wilkerson stated that by allowing this to be rezoned IL and improved it may bring some good energy to the neighborhood and existing IL properties. Mr. Wilkerson stated that he hasn't received any phone calls or letters opposing or supporting this application.

Mr. Leighty stated that he would like to go on the record that he trusts the Tulsa Public Schools will be sensitive to the existing neighborhood and their concerns. The neighborhood may be in decline, but it is still people's homes.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-1-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; Perkins "nay"; none "abstaining"; none "absent") to recommend **APPROVAL** of the IL zoning for Z-7217 per staff recommendation.

Legal Description for Z-7217:

Tulsa County, State of Oklahoma, to-wit: Beginning at a point 400' south and 190' west of the center of Section 23, Township 19 North, Range 12 East, and running thence 300' south, thence west 300', thence north 300', thence east 300' to the point of beginning, containing 2.06 acres more or less.

25. **PUD-293-A – Lou Reynolds**, Location: East of northeast corner of East 75th Street South and South Lewis Avenue, Requesting a **Major Amendment** to abandon Tract B of PUD-293 and combine with PUD-329-A, rezoning from **RD/PUD-293 to RD/PUD-239-A**, (CD-2) (Related to PUD-329-A)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 15512 dated November 4, 1982, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7069 September 2007: All concurred in approval of a request for rezoning a .81± acre tract of land from OM to OL for office use and to enable splitting of a portion of the site for development, on property located southeast corner of East 73rd Street and South Lewis Avenue.

Z-5805/PUD-329 September 1983: All concurred in approval of a request to rezone a 1.5± acre tract from RS-1 to OM with a PUD for office development, located north of the northeast corner of East 75th Street and South Lewis Avenue and abuts the subject property to the west.

Z-5672/PUD-293 November 1982: A request to rezone a 2.5± acre tract from RS-1 to RM-2 for multifamily use was denied. All concurred in approval of RD zoning of the property subject to a PUD being filed which would reduce the density of units to 26, located east of the northeast corner of East 75th Street South and South Lewis Avenue and abutting the subject tract on the southeast corner

PUD-124 August 1972: All concurred in approval of a proposed Planned Unit Development on a 19± acre tract of land for 85 one-story development of attached patio home units, with a privacy security fence, on property located south of the southeast corner of East 71st Street and South Lewis Avenue and abutting north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.56± acres in size and is located east of northeast corner of East 75th Street and South Lewis Avenue. The property appears to be vacant and is zoned RD/PUD-293.

SURROUNDING AREA: The subject tract is abutted on the east by one single family residence, zoned RS-1; on the north by a single family residential condominium development, zoned RS-3/PUD-124; on the south by the remainder of the PUD 293 and large lot single family residential property zoned RS-1, with an underlying zoning of RD; and on the west by a three story office building OM/ PUD-329., a fire station zoned RS-1 and a small office building zoned OM.

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

TRANSPORTATION VISION:

There is no specific transportation vision for East 75th Street South.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 75 th Street South	None (Residential)	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Category:

Neighborhood Centers are 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 number of destinations.

Staff Comment: The abandonment of Tract B reduces the originally planned townhome development area. Reduction of the previously planned townhome use is not consistent with the vision of the Tulsa Comprehensive Plan. The proposed use in Tract B will be tied to an adjacent office building which plans to construct accessory use in Tract B and will be placed in a different PUD. The employment and service expansion is consistent with the comprehensive plan.

Growth and Stability Map:

The purpose for Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: The abandonment of Tract B will allow expansion opportunities for an existing business west of the site. Staff supports the business growth opportunity provided when this portion of the PUD is vacated. A new PUD will be implemented in this area to satisfy buffering and screening concerns from the adjacent residential areas.

STAFF RECOMMENDATION:

The applicants request for PUD 293-A does not encourage retail, dining or other services that might be expected in a Neighborhood Center however it does support the expansion of the existing business associated with the building which has been approved in a separate PUD.

The applicants request for PUD 293-A includes the abandonment Tract B is requested to allow Easy Tel an opportunity to expand their service and provide a higher level of customer service when emergencies challenge their system. Staff supports the idea of constructing a small unoccupied structure and supports the idea that proper details identified in a new PUD will minimize the impact on the adjacent neighbors.

The townhome development opportunities that were implemented in 1982 have never been constructed. Staff supports the abandonment of townhome development in Tract B in this area to allow business expansion.

Therefore staff recommends **APPROVAL** for the applicants request for PUD 293-A as defined in the applicants text with the understanding that a new PUD will be placed to cover Tract B and tied to property west of this site.

Item 25 and 26 are related Items:

26. **PUD-329-A – Lou Reynolds**, Location: North of northeast corner of East 75th Street and South Lewis Avenue, Requesting a **Major Amendment** to combine properties and expand the boundaries of PUD-329 for uses allowed by right in the OM district, rezoning from **RD/OM/PUD-329/PUD-293 to RD/OM/PUD-329-A**, (CD-2) (Related to PUD-293-A)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 15800 dated September 7, 1983, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7069 September 2007: All concurred in approval of a request for rezoning a .81± acre tract of land from OM to OL for office use and to enable splitting of a portion of the site for development, on property located southeast corner of East 73rd Street and South Lewis Avenue.

Z-5805/PUD-329 September 1983: All concurred in approval of a request to rezone a 1.5± acre tract from RS-1 to OM with a PUD for office development, located north of the northeast corner of East 75th Street and South Lewis Avenue and abuts the subject property to the west.

Z-5672/PUD-293 November 1982: A request to rezone a 2.5± acre tract from RS-1 to RM-2 for multifamily use was denied. All concurred in approval of RD zoning of the property subject to a PUD being filed which would reduce the density of units to 26, located east of the northeast

corner of East 75th Street South and South Lewis Avenue and abutting the subject tract on the southeast corner

PUD-124 August 1972: All concurred in approval of a proposed Planned Unit Development on a 19± acre tract of land for 85 one-story development of attached patio home units, with a privacy security fence, on property located south of the southeast corner of East 71st Street and South Lewis Avenue and abutting north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.19± acres in size and is located north of northeast corner of East 75th Street and South Lewis Avenue. The property appears to be -- and is zoned RD/ OM/ PUD-293/ PUD-329.

SURROUNDING AREA: The subject tract is abutted on the east by PUD 293 then one single family residence which is zoned RS-1; on the north by a single family residential condominium development, zoned RS-3/PUD-124; on the south by a fire station and zoned RS-1. West of the site is South Lewis. Further west across Lewis is a OM and PUD-128-G/RM-1

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Lewis Avenue as a Multi Modal Secondary Arterial.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lewis Avenue	Secondary Arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Category:

Neighborhood Centers are 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 number of destinations.

Staff Comment: The employment and service expansion proposed with this PUD is consistent with the land use designation in the Comprehensive Plan.

Growth and Stability Map:

The purpose for Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: The employment and service expansion proposed with this PUD is consistent with the Area of Growth designated in the Comprehensive Plan.

STAFF RECOMMENDATION:

The applicants request for PUD 329-A does not encourage retail, dining or other services that might be expected in a Neighborhood Center however it does support the expansion of the existing business associated with the building which has been approved in PUD 329.

Staff supports the idea of constructing a small unoccupied structure and associated parking and that proper details identified in PUD 329-A will minimize the impact on the adjacent neighbors.

The proposed PUD is consistent with the PUD section of the Tulsa Zoning Code.

Therefore staff recommends **APPROVAL** for the applicants request for PUD 329-A as defined in the applicants text.

TMAPC COMMENTS:

Mr. Leighty asked what the current underlying zoning is for PUD-293. Mr. Wilkerson stated that it is currently zoned RD, which the portion being abandoned will be added to PUD-329-A and there is no need to change the zoning, the new building will be allowed as an accessory use.

APPLICANT'S COMMENTS:

Lou Reynolds, 2727 East 21st Street, 74114, representing Easy Tel, stated that his clients are the owners of the Southern Oaks Office Building. The building is a switch gear building for a telecommunication facility and will sit over a fiber optic trunk line that runs along the east side of South Lewis. Mr. Reynolds further stated that his client is a Use Unit 4, Public Protection and Utility Facilities and would be allowed as a special exception in residential type zoning and allowed as an accessory use. He explained that the best way to accomplish this was to switch the PUDs around.

Mr. Reynolds stated that the PUD has been divided into two development areas, Area A and Area B. Development Area A has an existing three-story office and there are no changes. Development Area B is for the telecommunication switch building and adding some parking facilities. Mr. Reynolds indicated that he met with the neighbors to the north at Esplanade and has had several discussions with neighbors to the east. Mr. Reynolds commented that the neighbors are satisfied with the proposal. Mr. Reynolds stated that he has met with Ms. Graham and she is happy with the proposal. Mr. Reynolds further stated that his client is doing as little as possible and doing it in a nice and respectful way to both the neighborhood and locate the building on top of the fiber optic trunk line, which is key to the operations. One of the uses of the fiber optic

trunk line is to send all of the City of Tulsa's backup data everyday to an off-site storage in the City of Faith offices.

Mr. Reynolds cited the following corrections:

1. Development Area A – Minimum building setback from the centerline of South Lewis Avenue will be 98 48 FT
2. Development Area B – Minimum building setbacks from the west boundary of Development Area B 30 80 FT

Mr. Reynolds stated that the setbacks are all internal and will affect no one adjacent to the subject property.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment to abandon Tract B of PUD-293 and combine it with PUD-329-A per staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment to combine properties and expand the boundaries of PUD-329 for uses allowed by right in the OM District with the noted changes by the applicant for the setbacks in Development Areas A and B per staff recommendation.

Legal Description for PUD-293-A:

A TRACT OF LAND THAT IS ALL OF LOT 1 IN BLOCK 1 OF "SOUTHERN HILLS ESTATES" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 1626 THEREOF, AND THE SOUTHERLY 30' OF THE VACATED ROADWAY LYING ALONG THE NORTHERLY LINE OF SAID LOT 1, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: BEGINNING AT A POINT THAT IS THE SOUTHWEST CORNER OF SAID LOT 1 THENCE; DUE NORTH ALONG THE WESTERLY LINE OF LOT 1 AND THE NORTHERLY EXTENSION THEREOF FOR 618.50' TO A POINT ON THE NORTHERLY LINE OF SAID VACATED ROADWAY, THENCE N 89° 56' 00" E ALONG SAID NORTHERLY LINE, 30' NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF LOT 1 FOR 171.00' TO A POINT ON THE NORTHERLY EXTENSION OF THE EASTERLY LINE

OF LOT 1, THENCE; DUE SOUTH ALONG SAID EASTERLY LINE AND THE NORTHERLY EXTENSION THEREOF FOR 618.70' TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 1, THENCE; DUE WEST ALONG THE SOUTHERLY LINE OF LOT 1 FOR 171' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 105,781 SQUARE FEET OR 2.4284 ACRES. THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE WESTERLY LINE OF LOT 1 IN BLOCK 1 OF SOUTHERN HILLS ESTATES HAVING AN ASSUMED NON ASTRONOMICAL BEARING OF DUE NORTH.

Legal Description for 329-A:

A TRACT OF LAND THAT IS PART OF LOT 1 IN BLOCK 1 OF "SOUTHERN HILLS ESTATES" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 1626 THEREOF, AND THE SOUTHERLY 30' OF THE VACATED ROADWAY LYING ALONG THE NORTHERLY LINE OF SAID LOT 1, AND ALL OF LOT 1 IN BLOCK 1 OF "SOUTH LEWIS PLAZA" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 4460 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT A POINT THAT IS THE SOUTHWEST CORNER OF LOT 1, OF SOUTHERN HILLS ESTATES, THENCE; DUE NORTH ALONG THE WESTERLY LINE OF SAID LOT 1 FOR 371.00' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 1 OF SOUTH LEWIS PLAZA, THENCE; N 89°54'56"W ALONG THE SOUTHERLY LINE OF LOT 1 OF SOUTH LEWIS PLAZA FOR 214.00' TO THE SOUTHWEST CORNER OF SOUTH LEWIS PLAZA, THENCE; DUE NORTH ALONG THE WESTERLY LINE OF SOUTH LEWIS PLAZA FOR 247.50' TO THE NORTHWEST CORNER OF SOUTH LEWIS PLAZA, THENCE; S 89°54'56"E ALONG THE NORTHERLY LINE OF SOUTH LEWIS PLAZA FOR 214.00' TO THE NORTHEAST CORNER OF SOUTH LEWIS PLAZA, SAID POINT ALSO BEING ON THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 1 OF SOUTHERN HILLS ESTATES, AND THE NORTHERLY LINE OF SAID VACATED ROADWAY THENCE N 89° 56' 00" E ALONG SAID NORTHERLY LINE, 30' NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF LOT 1 FOR 171.00' TO A POINT ON THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF LOT 1, THENCE; DUE SOUTH ALONG SAID EASTERLY LINE AND THE NORTHERLY EXTENSION THEREOF FOR 247.50' THENCE S 89°56'00"W AND PARALLEL WITH THE NORTHERLY LINE OF LOT 1 FOR 171.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 95,287 SQUARE FEET OR. 2.1875 ACRES. THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE WESTERLY LINE

OF LOT 1 IN BLOCK 1 OF SOUTHERN HILLS ESTATES HAVING AN ASSUMED NON ASTRONOMICAL BEARING OF DUE NORTH.

OTHER BUSINESS:

Commissioners' Comments

Mr. Perkins reminded the Planning Commissioners of the Form-Based Code Workshop tonight at 6:00 p.m.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting No. 2643.

There being no further business, the Chair declared the meeting adjourned at 2:11 p.m.

Date Approved: 2-20-13


Chairman

ATTEST: 
ACTING Secretary