

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2644

Wednesday, February 20, 2013, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Covey	Bates	Tohlen, COT
Dix		Fernandez	VanValkenburgh, Legal
Edwards		Huntsinger	Keller, COT
Leighty		Miller	
Liotta		White	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 14, 2013 at 2:33 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:**

#### **Work Session Report:**

Mr. Walker stated that the Planning Commission held a work session prior to today's meeting.

#### **Director's Report:**

Ms. Miller reported on the TMAPC Receipts for the month of January 2013. She further reported that lot-split and lot-combination applications are showing an increase for the month of January.

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

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**Minutes:**

**Approval of the minutes of February 6, 2013 Meeting No. 2643**

On **MOTION** of **LEIGHTY** the TMAPC voted 10-0-0 (Carnes, Dix, Edwards, Leighty, Liotta, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; Covey “absent”) to **APPROVE** the minutes of the meeting of February 6, 2013, Meeting No. 2643.

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**CONSENT AGENDA**

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

2. **LC-463** (Lot-Combination) (CD 3) Location: Southeast corner of East Reading Street and South Atlanta Court
3. **LS-20579** (Lot-Split) (County) Location: West of the northwest corner of East 171<sup>st</sup> Street South and South 157<sup>th</sup> East Avenue
4. **LC-464** (Lot-Combination) (CD 7) Location: Southwest corner of East 51<sup>st</sup> Street South and South Memorial Drive (related to LS-20580)
5. **LS-20580** (Lot-Split) (CD 7) Location: South and west of the southwest corner of East 51<sup>st</sup> Street South and South Memorial Drive (related to LC-464)
6. **LS-20581** (Lot-Split) (CD 1) Location: South of the southeast corner of East Zion Street and North Lansing Avenue (related to LC-465)
7. **LC-465** (Lot-Combination) (CD 1) Location: South of the southeast corner of East Zion Street and North Lansing Avenue (related to LS-20581)
8. **Harvard Square South Amended – Final Plat**, Location: South of the southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue (9328) (CD 9)

**STAFF RECOMMENDATION:**

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

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

9. **PUD-761-B – Sisemore, Weise & Associates, Inc./Darin Akerman,**  
Location: East of South Harvard Avenue and South of 41<sup>st</sup> Street South,  
Requesting a **Detail Site Plan** for a new specialty grocery store and retail  
center, **CS/OL/RS-1/PUD-761**, (CD-9)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a new specialty grocery store and retail center in PUD-761-B.

**PERMITTED USES:**

The following uses are permitted in this development area: Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins (but permitting one (1) Drive-Through Restaurant on proposed Lot 1 with approval of a major amendment to the PUD); 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses.

Excluding however, the following uses:

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

**DIMENSIONAL REQUIREMENTS:**

The new building is shown on the plan is a 33,195 square foot structure. Lot two is allowed 33,400 square feet. 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.

**ARCHITECTURAL GUIDELINES:**

The new buildings are shown with a brick veneer around the entire face of the building as required in the PUD.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

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

**LIGHTING:**

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties. The maximum height of lighting is at or below the maximum allowed in the approved PUD. 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.

Future wall sign locations are shown on the north and west wall faces. The PUD prohibits wall signs facing east and south. Wall signs are not proposed on those wall faces.

**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 site plan matches the PUD concept drawings and satisfies requirements for landscape islands and green space opportunities.

The trash screening enclosure meets 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 761-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 761-B, 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-582-9 – Jerry Hall**, Location: North of the northeast corner of South Atlanta Place and East 66<sup>th</sup> Place South, Requesting a **Minor Amendment** for reduction of required rear yard setback from 20 feet to 14 feet, **RS-3/PUD-582**, (CD-2)

**STAFF RECOMMENDATION:**

Concept Statement:

The applicant is requesting a minor amendment to define and modify the rear yard setback on this lot. The rear yard will be considered the yard adjacent to east property line. The completed site will meet all other livability space and dimensional requirements as defined in the PUD and amendments.

Minor Amendment Summary:

- The underlying zoning classification in the PUD is RS-3 and the rear yard required in the PUD is 20'
- The requested minor amendment reduces the rear yard setback from 20' to 14' and is consistent with the previous amendment request. A masonry screening wall is already in place along the east lot line and will remain in place effectively screening the neighborhood from the density of this request.

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 for the reduction in the rear yard setback on this property. 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-582-9 as outlined in the Minor Amendment Summary above.

11. **PUD-595-C/Z-5970-SP-6 – Michael Joyce**, Location: Southwest corner of East 67<sup>th</sup> Street South and South 101<sup>st</sup> East Avenue, Requesting a **Detail Site Plan** for a new warehouse as permitted in PUD-595-C-1, **CO/PUD-595-C/Z-5970-SP-5** (CD-8)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a new warehouse as permitted in PUD 595-C.

**PERMITTED USES:**

The following uses are permitted in this development area: Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses; 19, Hotel, Motel and Recreation; 23, Warehousing and Wholesaling

**DIMENSIONAL REQUIREMENTS:**

The new building is shown on the plan is a 91,454 square foot structure and is below the 91,705 square feet allowed with 43.5% lot coverage. 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.

**ARCHITECTURAL GUIDELINES:**

The new buildings are not limited by architectural style in the PUD however the conceptual plans provided in the PUD match the design of the site plans included in this request.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

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

**LIGHTING:**

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties. The maximum height of lighting is at or below the maximum allowed in the approved PUD.

**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 site plan matches the PUD concept drawings and satisfies requirements for landscape islands and green space opportunities.

The trash screening enclosure meets 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 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 595-C. 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 595-C, 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.)*

12. **PUD-595-B/Z-5970-6 – Michael Joyce**, Location: Southeast corner of East 67<sup>th</sup> Street South and South 105th East Avenue, Requesting a **Detail Site Plan** a new retail appliance store as permitted in **PUD-595-B, CO/PUD-595-B/Z-5970-5**, (CD-8)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval a new retail appliance store as permitted in PUD 595-B.

**PERMITTED USES:**

The following uses are permitted in this development area: Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11,

Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses; 19, Hotel, Motel and Recreation; 23, Warehousing and Wholesaling

**DIMENSIONAL REQUIREMENTS:**

The new building shown on the plan is a 41,297 square foot structure and is below the 55,220 square feet allowed with 30% lot coverage. 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.

**ARCHITECTURAL GUIDELINES:**

The new buildings are not limited by architectural style in the PUD however the conceptual plans provided in the PUD match the design of the site plans included in this request.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

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

**LIGHTING:**

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties. The maximum height of lighting is at or below the maximum allowed in the approved PUD.

**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 site plan matches the PUD concept drawings and satisfies requirements for landscape islands and green space opportunities.

The trash screening enclosure meets 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 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 595-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 595-B, 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.)*

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **APPROVE** the consent agenda Items 2 through 12 per staff recommendation.

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**PUBLIC HEARINGS:**

- 13. **PUD—571-4 – Roy Johnsen**, Location: North and east of northeast corner of South Memorial Drive and East 81<sup>st</sup> Street, Requesting a **Minor Amendment**, (CD-8) (Continued from February 06, 2013.) (Applicant is requesting a continuance to March 20, 2013)

**STAFF RECOMMENDATION:**

The applicant is requesting a continuance to March 20, 2013.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **CONTINUE** the minor amendment for PUD-571-4 to March 20, 2013.

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14. **Z-7218 – Sisemore, Weise & Associates, Inc./Darin Akerman**, Location: South of southeast corner of East 63<sup>rd</sup> Street and South 103<sup>rd</sup> East Avenue, Requesting a rezoning from **RS-3 to CO**, (CD-7) (Related to Item 15) (Applicant is requesting a continuance to March 6, 2013)

**STAFF RECOMMENDATION:**

The applicant is requesting a continuance to March 6, 2013.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **CONTINUE** Z-7218 to March 20, 2013.

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15. **Z-7218-SP-1/Z-6673-SP-2/Z-6484-SP-2/Z-6277-SP-4**, Location: South of southeast corner of East 63<sup>rd</sup> Street and South 103<sup>rd</sup> East Avenue, Requesting a **Corridor Development Plan** , (CD-7) (Related to Item 14) (Applicant is requesting a continuance to March 6, 2013)

**STAFF RECOMMENDATION:**

The applicant has withdrawn this application.

**Withdrawn.**

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16. **103 Memorial Center**- Preliminary Plat, Location: South of the southwest corner of 101<sup>st</sup> Street South and South Memorial Drive (8326) (CD 8) **(Withdrawn by applicant for revisions. Plat will be resubmitted and re-noticed.)**

**STAFF RECOMMENDATION:**

The applicant has withdrawn this application.

**Withdrawn**

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17. **Z-7209 – Plat Waiver** – Location: 1640 and 1644 East 7<sup>th</sup> Street, Lots 3 and 4, Block 1, Nichols Resubdivision, Lots 1-6, Park Dale Addition (9306) (CD 4)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning to PK for a parking lot.

**Staff provides the following information from TAC for their February 7, 2013 meeting:**

**ZONING:** TMAPC Staff: The property has been previously platted.

**STREETS:** It appears that street right-of-way along 7<sup>th</sup> Street is currently not dedicated. Street dedication must be given to the City of Tulsa. Five feet of additional right-of-way dedication is required along 7<sup>th</sup> Street.

**SEWER:** No comment.

**WATER:** Any future construction of buildings on this site will require upgrading the two-inch waterline to a six-inch line.

**STORMWATER:** The entire property appears to be in the Tulsa Regulatory Floodplain. Parking lots are permitted in floodplains but no fill material is allowed. (Any buildings constructed would have to meet floodplain regulation standard requirements.)

**FIRE:** No comment.

**UTILITIES:** No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted property.

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

	<b>Yes</b>	<b>NO</b>
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:**

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

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

Mrs. Fernandez stated that the City of Tulsa has stated that they wouldn't require the additional right-of-way dedication along 7<sup>th</sup> Street.

**TMAPC COMMENTS:**

Mr. Carnes asked staff why the City isn't requiring the additional right-of-way. Mr. Harold Tohlen, City of Tulsa Development Services, stated that the area is already developed residential and all of the streets are in. The City doesn't intend to improve the streets anytime in the near future. Should the streets be improved, the City would acquire the additional right-of-way at that time.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **APPROVE** the plat waiver for Z-7209 per staff recommendation and noting that the additional right-of-way for 7<sup>th</sup> Street is not required.

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18. **Z-7219 – Sisemore, Weise & Associates, Inc./Darin Akerman,**  
Location: West of the northwest corner of North Peoria Avenue and East 46<sup>th</sup> Street North, Requesting a rezoning from **RS-3 to CS**, (CD-1)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11914 dated September 1, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6835 November 2001:** All concurred in approval of a request for rezoning a 6± acre tract of land from AG/RS-3 to CS for mini-storage, on property located south of southeast corner East 46<sup>th</sup> Street North and North Peoria Avenue

**Z-6743 February 2000:** All concurred in approval of a request to rezone a four± acre strip, from RS-3 to CS for a Walgreen's store, located east of the southeast corner of East 46<sup>th</sup> Street North and North Peoria Avenue.

**Z-6575 February 1997:** All concurred in approval to rezone .4-acre tract located south of the southeast corner of East 46<sup>th</sup> Street North and North Peoria Avenue from OL to CS.

**BOA-14374 January 22, 1987:** The Board of Adjustment approved a Special Exception to allow for a church and related uses in an RS-3 district; a Variance of setback from centerline of 46<sup>th</sup> Street North from 85' to 66'; a Variance of setback from the west property line from 25' to 24'; a Variance of lot area from 43,560 sq. ft. to 43,460 sq. ft.; a Variance to allow for parking in the required front yard; a Variance of the screening requirements along the north, east and west property lines; a Variance of the parking requirements from 77 spaces to 52 spaces; per plot plan submitted, on property located west of the northwest corner of North Peoria Avenue and East 46<sup>th</sup> Street and abutting the subject property to the west.

**BOA-12005 June 24, 1982:** The Board of Adjustment approved a Special Exception to locate a church in an RS-3 district, per site plan and drawings submitted, on property located west of the northwest corner of North Peoria Avenue and East 46<sup>th</sup> Street and abutting the subject property to the west

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2± acres in size and is located west of the northwest corner of North Peoria Avenue and East 46<sup>th</sup> Street. The property appears to be residentially used, and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by a 1950's style gas station building, zoned CS along with a small area of CH on the northeast corner of the property adjacent to the site; on the north by single family residential, zoned RS-3; on the south by a mix of uses but all zoned CS; and on the west by a church, zoned RS-3.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates North Peoria as a multi-modal secondary arterial street and East 46<sup>th</sup> Street North as a secondary arterial street. The north end of the planned Peoria Express bus route ends at approximately East 38<sup>th</sup> Street North less than one mile from this site.

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:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
East 46 <sup>th</sup> Street North	Secondary Arterial	100'	2 lanes

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Land Use Category:

This site is a small part of a large Regional Center area which is considered 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.

*Staff Comment: The proposed CS rezoning is an appropriate use in this land use land use category. The regional center would encourages a much larger development than presently considered in this re-zoning request, however staff supports this small scale development at this location.*

Growth and Stability Map:

The Areas of Growth map is intended 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 a 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: It is important to recognize economic activity that is appropriate to the Comprehensive Plan vision. The proposed rezoning is consistent with the vision presented in this Area of Growth.*

**STAFF RECOMMENDATION:**

In summary:

- 1) The applicants request for CS zoning is supported by the existing surrounding land uses east and west of the site. North of the requested property single family residences back up to this zoning classification and is consistent with historical land use boundaries in Tulsa.
- 2) The anticipated land use defined in the Comprehensive Plan supports this zoning or land use for future development opportunities.
- 3) The request for CS zoning is a logical progression of existing CS zoning immediately south of this site and immediately east of the site.

Therefore staff recommends **APPROVAL** of the applicants request for CS zoning in Z-7219.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**



**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to recommend **APPROVAL** of the CS zoning for Z-7219 per staff recommendation.

**Legal Description for Z-7219:**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4 SE/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4 SE/4 SE/4; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SE/4 SE/4 SE/4 FOR 205.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING WESTERLY ALONG SAID SOUTHERLY LINE FOR 300.00 FEET; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID SE/4 SE/4 SE/4 FOR 289.00 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID SE/4 SE/4 SE/4 FOR 300.00 FEET; THENCE SOUTHERLY PARALLEL WITH EASTERLY LINE OF SAID SE/4 SE/4 SE/4 FOR 289.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINS 86,700 SQUARE FEET OR 1.990 ACRES, MORE OR LESS.

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19. **PUD-619-C – Kinslow, Keith & Todd/Nicole Watts**, Location: West of South Memorial Drive at the intersection of East 106<sup>th</sup> Street South, Requesting a **Detail Site Plan** for a commercial center as permitted in PUD-619-C, **CS/PUD-619**, (CD-8)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a commercial center as permitted in PUD 619-C.

**PERMITTED USES:**

The following uses are permitted in this development area: Uses permitted as a matter of right in the CS – Commercial Shopping Center District, Use Unit 19, Hotel, Motel and Recreation for a Health Club/Spa and an enclosed swimming pool use only; Use Unit 20- Recreation:

Intensive for an unenclosed swimming pool only; and uses customarily accessory to permitted uses but shall exclude use unit 12-a.

The requested use is Use Unit 14; Shopping Goods and Services, and is allowed by right in the CS district defined in the City of Tulsa Zoning Code.

**DIMENSIONAL REQUIREMENTS:**

The new building is shown on the plan is a 49,786 square foot structure and is below the 116,000 square feet allowed in PUD minor amendment 619-C-4. The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved PUD dimensional requirements are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new buildings are not limited by architectural style in the PUD however the conceptual plans provided in the PUD match the design of the site plans included in this request.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

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

**LIGHTING:**

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties. The maximum height of lighting is at or below the maximum allowed in the approved PUD.

**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 site plan satisfies the 10% requirement for landscape islands and green space opportunities.

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

During the original PUD a screening wall adjacent to the west property line of the PUD was required and never constructed except on one parcel at the northwest corner of the PUD. Staff has been in contact with the developer who is reluctant to build the required wall at this time.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Sidewalks have not been included in the site circulation system except in the area immediately surrounding the building however the PUD is silent regarding any additional sidewalk requirement.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this lot 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 619-C. 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 619-C, 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 however this site plan should include discussion in a public hearing requiring construction of the required screening wall along the west boundary of the Planned Unit Development.

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

**Applicant's Comments:**

**Nicole Watts**, Kinslow, Keith & Todd, 2200 South Utica Place, Suite 200, 74114, stated that the original PUD doesn't have a timeline on when the fence on the western boundary has to be built. The western boundary does not abut the subject tract under application today. She indicated that the owner's have agreed to build the fence prior to the Certificate of Occupancy, which would be close to the end of the year.

**TMAPC COMMENTS:**

In response to Mr. Dix, Ms. Watts stated that the fence is along the west Reserve Area, which is a mitigation pond. The subject lot under application is approximately 100 feet from the western boundary.

**INTERESTED PARTIES COMMENTS:**

**Alan Carlton**, 10770 South 77<sup>th</sup> East Avenue, 74133, stated that his property is adjacent to the subject PUD. He expressed his frustration that the screening fence hasn't been fully built along the western boundary, which is adjacent to his property. Mr. Carlton stated that he had a verbal agreement with Mr. Charles Norman that the fence would be built prior to

any development. Mr. Carlton requested that the fence be built by June 30, 2013, which allows four months.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Carlton if he is satisfied with the proposal to build the fence prior to the Certificate of Occupancy. Mr. Carlton stated that he wants the fence built now. Mr. Carlton expressed concerns that the constant delays are done on purpose and that the fence will never be built. Mr. Carlton stated that his position is that no construction should be allowed until the fence is completed by Reserve Area A. Mr. Carlton requested that the detail site plan be denied. Mr. Carlton proposed an alternative to have the developer put in writing that the fence and landscaping be installed by a date certain, June 30, 2013 and then he will not have any problems with this proposal.

Mr. Shivel asked Mr. Carlton if he discussed this issue with Ms. Watts. Mr. Carlton stated that he has exchanged emails with her and he received the same proposition that the fence would be installed prior to Certificate of Occupancy and that is somewhere after October or November. Mr. Carlton commented that given the tone of discussions he has had with Mr. Burk, he doesn't trust them any further than he can throw them. He believes that they intend to delay until the last possible moment and possibly wait until the hotel parcel is developed and then saddle the fence with that parcel owner solely. Mr. Carlton stated that he doesn't feel that this is a good-faith negotiation.

Mr. Leighty asked Mr. Carlton his business title. Mr. Carlton stated that he is retired. Mr. Leighty asked Mr. Carlton what his profession was prior to retiring. Mr. Carlton stated that he is a Petroleum Engineer and was President of Samson Resources Company. Mr. Leighty stated that Mr. Carlton knows that all real estate related contracts have to be in writing and verbal agreements are none binding. Mr. Carlton stated that unfortunately for him, that didn't get written in the way it was agreed to. Mr. Leighty requested Mr. Carlton to point out his boundaries on the case map. Mr. Leighty stated that the portion of Mr. Carlton's property that is visible on the case map is totally undeveloped. Mr. Carlton stated that he has lived on his property since 1980. Mr. Leighty requested Mr. Carlton to show approximately where his dwelling is located from the boundary. Mr. Carlton indicated that his home is approximately more than 300 feet away.

Mr. Perkins asked Mr. Carlton to clarify the fence boundary. Mr. Carlton stated that the southernmost 105 feet is not within the PUD and he would build that portion of the fence at his cost. The 430 feet of fence that is within the PUD would be built and paid for by the developers.

**Applicant's Comments:**

**Robert Skeith**, Counsel for the Developers, 1515 South Utica, Suite 250, 74104, stated that the developers are aware that the wall is required to be built and it will be built. He further stated that his clients feel that it is too soon to require the wall to be built at this time. He knows that Mr. Carlton is frustrated and he has been asking about the fence for many years. There hasn't been any development going on except the Lifetime Fitness development. Mr. Skeith explained that the land has been through bank foreclosures and lots of litigation. It is finally settling down and owners are taking over. Someone has purchased the hotel site but there are no current plans that he is aware of at this time to develop the site. He explained that the developer has several signed leases in place and under the terms of those leases his client has to get underway on construction and complete the construction so that the tenants can get in and finish their part. The developers would like to focus on getting this particular project done and right before obtaining Certificate of Occupancy the wall will be built. Mr. Skeith indicated on the case map the locations of Mr. Carlton's home, the proposed new development and the location of the proposed fence. The sight of the new construction will be obstructed by Lifetime Fitness facility and their screening wall from Mr. Carlton's home. The requested screening fence would be screening the construction from a small portion of Mr. Carlton's property that is wooded. The intention was to screen the development and mainly the hotel site. Nothing to the south of the subject PUD has been developed at this time. Mr. Skeith requested that the Planning Commission allow his client to begin construction and prior to Certificate of Occupancy the wall will be built and it will probably be October or November of this year, but possibly a little later. Mr. Skeith stated that if the Planning Commission wants to put a deadline on the wall being built to please make it toward the end of November or December.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Skeith if he wanted to build the shopping center prior to the wall. In response, Mr. Skeith stated that it would be built concurrently with the shopping center. Mr. Skeith further stated that his client expects to be completed with construction of the shopping center by October or November.

Mr. Carnes asked Mr. Skeith if he is trying to save some money with regard to the wall. In response, Mr. Skeith stated that it would cost approximately \$80,000.00 and it just isn't time yet. It is a screening wall and it is designed to screen the development from the adjacent property, but there is nothing there except trees. Mr. Carlton's home is located to where he can see the wall behind Lifetime Fitness and the new construction is several hundred feet away from the property line to the east. Mr. Skeith reiterated that the wall will be built and the developers know that it has to be done.

Mr. Shivel asked Legal if the Planning Commission is in the position to validate a non-written contract. Ms. VanValkenburgh stated that the Planning Commission should not be involved in the contractual relations. She further stated that the Planning Commissions job would be to verify when the wall should be built with respect to the whether the issuance of the building permit or certificate of occupancy. Ms. VanValkenburgh indicated that the PUD doesn't indicated the when the wall should be built. Mr. Skeith stated that the PUD is very detailed and recorded, but there is no date by which this wall has to be constructed. Mr. Shivel stated that he is sympathetic to the circumstances, but feels that this is beyond the Planning Commission's purview to make a decision on the wall.

Mr. Perkins stated that he believes he heard that it is the Planning Commission's purview to make a decision on when the wall should be built and not if it should be built. During discussion the Planning Commission can decide and vote on the proper timeframe it should be built.

Mr. Leighty stated that the only thing before the Planning Commission is the detail site plan. There is nothing in the PUD requirements that indicate the timeframe.

Mr. Midget stated that if the developer built the wall at the same time they apply for the certificate of occupancy that would be around October, which is 120 days. Mr. Midget moved to approve the detail site plan per staff recommendation and move on.

Mr. Dix stated that he agrees with Mr. Midget. Mr. Dix further stated that the fence and landscaping is usually the last thing in a development. The applicant is offering to build the wall before the certificate of occupancy and that isn't unreasonable.

Mr. Shivel seconded Mr. Midget's motion.

Mr. Edwards stated that it isn't an issue that the fence has to be built. He doesn't see where the Planning Commission is in the position to set a date. He believes that the Planning Commission setting a date is dangerous. The Planning Commission wasn't involved in the discussion with Mr. Carlton and Mr. Norman regarding the when the fence was to be built. Mr. Edwards indicated that he agrees with staff recommendation.

Mr. Leighty stated that he will support the motion and he doesn't see the real sense of urgency to build the wall. It doesn't create a terrible hardship for Mr. Carlton.

Mr. Walker recognized Mr. Carlton.

Mr. Carlton stated that the wall is not just about visibility of the development, but it is about trespassing. Mr. Carlton submitted an email from Mr. Dwayne Wilkerson stating that now is the time to develop the remaining wall system and it should be a condition of site plan approval.

Mr. Walker stated that he will have to agree with his fellow Commissioners. He understands Mr. Carlton's issues, but a lot of events have happened in the subject area that has delayed the wall being built.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **APPROVE** the detail site plan for PUD-619-C per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS:**

**Commissioners' Comments**

Mr. Carnes stated that since the previous case was under a PUD, he believes that the Planning Commission could have requested the wall be built before the building permit being issued.

Mr. Walker requested that Legal inform the Planning Commission regarding fences/walls and timing they can be imposed or the order of it throughout development. Ms. VanValkenburgh agreed.

Mr. Perkins stated that he is proud of the staff the Planning Commission has and how they have been doing. There is a very difficult situation going on with the 6<sup>th</sup> Street Infill Plan and the Form-Based Code. Mr. Perkins stated that he wants the public and everyone to know that he is disappointed in the way some of the people attending the workshops behaved toward the staff. The Planning Commission is a recommending body to the City Council and the staff makes recommendations to the Planning Commission. He suggested that if someone sees something that they do not like that they show up at the meetings and bring to the Planning Commission's attention.

Mr. Edwards stated that he attended two of the three meetings and he thought both INCOG and the City staff handled themselves well considering what they went through as facilitators. The staff conducted the meeting in a professional way and was organized.

Ms. Miller thanked the Planning Commissioners for their comments. Ms. Miller stated that there were a few Commissioners that didn't make the work session and she would be happy to meet with them to bring them up to date prior to the next meeting on March 6, 2013.

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**TMAPC Action; 10 members present:**


On **MOTION** of **PERKINS**, TMAPC voted **10-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **ADJOURN** TMAPC meeting No. 2644.

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There being no further business, the Chair declared the meeting adjourned at 2:18 p.m.

Date Approved:

3-6-13



Chairman

ATTEST:

  
Secretary