

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2647

Wednesday, April 3, 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	Leighty	Fernandez	Tohlen, COT
Carnes	Stirling	Huntsinger	VanValkenburgh, Legal
Dix		Miller	
Edwards		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 27, 2013 at 11:20 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Walker stated that he would like to clarify a statement he said a few meetings ago regarding the Form-Based Code. He further stated that he made a statement that he thought the Form-Based Code was unadoptable and he meant to say that it was unadoptable in its current written form.

Mr. Walker asked the Planning Commissioners if they know what happened on December 28, 1984. Mr. Walker stated that Gail Carnes was appointed to the Tulsa Metropolitan Area Planning Commission on that date and he has served the longest as anyone in the history of the Planning Commission, which is 28 years. Mayor Bartlett has made a proclamation that today, April 3, 2013 is Gail Carnes Day in the City of Tulsa for his 28 years of service. [Applause]. Mr. Carnes was presented with a proclamation and a clock recognizing his service. Mr. Walker thanked Mr. Carnes for his service.

Mr. Walker asked Mr. Carnes if he remembers his first day on the Planning Commission. Mr. Carnes stated that he does remember it. Mr. Carnes further stated that when you serve on the Planning Commission it is a different perspective than when you are the developer/applicant. Mr. Carnes thanked everyone.

Director's Report:

Ms. Miller reported that the TMAPC new website is now online at www.tmapc.org. Ms. Miller encouraged anyone with ideas for a better website to share them with staff.

Ms. Miller reported that the Eugene Field Small Area Plan will be on the April 17th work session.

1. **Minutes:**

Approval of the minutes of March 6, 2013 Meeting No. 2645

On **MOTION** of **SHIVEL** the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Edwards, Liotta, Midget Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Stirling, Leighty "absent") to **APPROVE** the minutes of the meeting of March 6, 2013, Meeting No. 2645.

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-20589** (Lot-Split) (CD 4) – Location: Northeast corner of East 26th Street South and South Florence Place
3. **LS-20590** (Lot-Split) (CD 9) – Location: Northwest corner of 49th Street South and South Harvard Avenue
4. **LS-20592** (Lot-Split) (County) – Location: North and west of the northwest corner of East 56th Street North and North Peoria Avenue

5. **LS-20593** (Lot-Split) (County) – Location: South and east of the southeast corner of East 59th Place North and North Norfolk Avenue
6. **LC-472** (Lot-Combination) (CD 1) – Location: Northwest corner of Charles Page Boulevard and South 28th West Avenue
7. **LS-20594** (Lot-Split) (County) – Location: Northwest corner of West 7th Street South and South 65th West Avenue
8. **Change of Access** - Location: Northwest corner of East 49th Street South and South Harvard Avenue, (9329) (CD 9)

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift one access, and delete an existing access, along South Harvard Avenue. The property is zoned CS (Commercial Shopping).

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

9. **AC-118 – AAB Engineering, LLC/Alan Betchan**, Location: South side of 23rd West Avenue, east of Southwest Boulevard, Requesting an Alternative Compliance Landscape Plan for a new convenience store, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for new convenience store at 1202 West 23rd Street in Tulsa. Several parking spaces do not meet the spacing requirement required for a parking space to be within 50 feet of a landscaped area with a tree.

Staff Analysis:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code for the following reasons:

- 1) The shared driveway and parking area adjacent to this site create areas where the parking areas are not within 50' of a parking space especially on the south and east sides of the site.
- 2) The applicant has provided a landscape plan that matches the minimum number of trees required plus providing a streetscape environment that provides a recognizable corporate image for this site.
- 3) This site is zoned CH so there is no street yard tree requirement. The applicant has proposed to provide 8 trees between the lot-line

and the back of curb parallel to the street. These trees will help provide a street tree look along the curb line.

- 4) In addition to the trees adjacent to the curb line trees and shrubs have been planted in the parking area.

Staff Recommendation:

The overall landscape concept includes significant additional green space with shrub planting between the property line and the back of the parking curb. The typical corporate image provided with this plan provides 352 shrubs as part of the alternative compliance landscape plan. All landscape areas will be irrigated with an automatic irrigation system.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-118

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

* * * * *

PUBLIC HEARINGS:

- 10. **PUD-187-22 – Ireneusz Woronko**, Location: 7224 East 62nd Place, west of the southwest corner of South Memorial Drive at East 61st Street South, Requesting a **Minor Amendment** to allow a home occupation for an office (Use Unit 11), (CD-7) (Continued from 3/20/13)

STAFF RECOMMENDATION:

Concept Statement:

The applicant is requesting a PUD minor amendment to allow a home occupation specifically an internet based business. The entire purpose for this minor amendment is to provide documentation to the Federal Firearms License inspector that this home occupation is permitted by the Zoning Code.

Minor Amendment Summary:

Original PUD development standards defined in PUD 187, Development Area "B"

1. Permitted Uses are limited to "single family dwellings".

Requested PUD minor amendment:

1. Permitted Uses are limited to single family dwellings including an internet based business as an allowed home occupation. Home occupations shall comply with the following requirements:
 - a. Only members of the family residing in the dwelling shall participate in the home occupation.
 - b. Signs or displays, including signs on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot shall be prohibited.
 - c. The home occupation shall be conducted entirely within an enclosed principal residential structure.
 - d. Mechanical equipment which creates noise, dust, odor or electrical disturbance shall be prohibited.
 - e. Exterior alterations of the structure which would detract from the residential character of the structure shall be prohibited.
 - f. Outside storage or display of materials or items associated with the home occupation shall be prohibited.
 - g. A maximum of five hundred (500) square feet of floor area may be used in the home occupation.
 - h. Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.
 - i. The sale of merchandise on the premises shall be prohibited.
 - j. Pick up or delivery of merchandise from the home occupation site shall be prohibited except by the United States Postal Service, FedEx, UPS or other parcel delivery services.

Staff Summary:

Existing Zoning Code Summary:

The current City of Tulsa Zoning code is silent regarding internet based business of any kind. The Code does identify several home occupations which are allowed by right and are quoted below. Home occupation requirements outlined by right are defined below for Planning Commission Review.

“Section 402.6. Home Occupations

a. Home occupations permitted by right

Artist

Authors and Composers

Catering/Food Service

Computer programming

Home cooking and preserving

Home Crafts

Ironing

Sewing

Telephone answering and/or solicitation

Tutorial service, limited to one student at a time

Such home occupations shall comply with the following requirements:

1) Only members of the family residing in the dwelling shall participate in the home occupation.

2) Signs or displays, including signs exceeding two square feet on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot shall be prohibited.

3) The home occupation shall be conducted entirely within an enclosed principal residential structure.

4) Mechanical equipment which creates noise, dust, odor or electrical disturbance shall be prohibited.

5) Exterior alterations of the structure which would detract from the residential character of the structure shall be prohibited.

6) Outside storage or display of materials or items associated with the home occupation shall be prohibited.

7) A maximum of five hundred (500) square feet of floor area may be used in the home occupation.

8) *Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.*

9) *The sale of merchandise on the premises shall be prohibited.*

10) *The pick-up of home craft or food items at the home occupation site shall be prohibited.”*

Additional home occupations may be permitted by special exception granted by the Board of Adjustment. (Section 404-B of the Tulsa Zoning Code).

Uses within a PUD may be those permitted by right or special exception within the underlying zoning districts. (Section 1103A of the Tulsa Zoning Code)

Staff Comment: While the title of Section 1103A is “Principal Uses”, the provisions would logically apply in this case.

Minor amendments to a PUD may be authorized by the Planning Commission, (section 1107H of the Tulsa Zoning Code) so long as substantial compliance is maintained with the approved development standards.

Staff Recommendation:

Staff has reviewed the request in detail in conjunction with the business description provided. We have determined that this request does not substantially alter the original character of the PUD which is limited specifically to single family residential use.

The requested home occupation use will not result in incompatibility with the present and anticipated future use of the proximate properties.

Staff recommends **APPROVAL** of the minor amendment request PUD-187-22 as outlined in the Minor Amendment Summary above.

TMAPC COMMENTS:

Mr. Covey asked staff if the applicant could have gone to the BOA to accomplish this request. Mr. Wilkerson stated that the applicant could have gone to the BOA, but since this is in a PUD, staff felt that even had he gone to the BOA there are restrictions within the PUD that would have required the minor amendment. Mr. Covey asked if it is required that the

applicant disclose the exact business to staff. Mr. Wilkerson stated that the applicant didn't have to tell what his business would be. Mr. Wilkerson further stated that after discussing this application with the applicant, he realized that the applicant is asking for an internet based business (home occupation), but he has to have a license at the subject address in order to get his license to perform the business. Mr. Covey asked if the applicant could have accomplished this without going into the exact nature of his business. Mr. Wilkerson answered affirmatively. Mr. Covey commented that the applicant was forthcoming and that is why he is here today. Mr. Covey further commented that he noticed that under the "permitted uses" staff has the sale of merchandise on the premises shall be prohibited and from a legal circumstance that raised a question, in his mind, of in the internet business where is the point of sale. Mr. Wilkerson stated that the applicant may be able to address that question. Mr. Wilkerson further stated that staff was trying to prohibit onsite sales of equipment.

Mr. Walker asked Mr. Wilkerson if he is simply adding Use Unit 11 to the PUD. Mr. Walker answered affirmatively.

Mr. Dix asked staff what the recourse would be for the neighbors. Mr. Wilkerson stated that he views it as any other PUD restriction, which would be with Code Enforcement, City of Tulsa. Mr. Dix asked about the covenants and restrictions within the PUD. Mr. Wilkerson stated that if there if there are private restrictions, that would be a civil matter.

Mr. Midget asked staff if the applicant would be allowed to have firearms transmitted to his premise for storage, even if it is in the house. Mr. Wilkerson stated that he did discuss this with the applicant. Mr. Wilkerson further stated that if the guns are in the applicant's home, then he owns them and isn't within the jurisdiction of a PUD to say what one can or cannot own in their home.

Mr. Edwards asked if anyone bothered to get with the representatives of the neighborhood to explain to them that this is not about the gun business, but rather about the licensing. Mr. Wilkerson stated that there has been a lot of email correspondence, but we haven't had face-to-face conversation.

Applicant's Comments:

Mr. Ireneusz Woronko, "Eric", stated that the applicant is not for a gun business and he has no interest of having strange people coming to his house. Mr. Woronko explained that he currently has a Curio and Relic License that allows him to purchase weapons older than 50 years old for collection purposes only. The FFL License will allow him to purchase

newer weapons and allow him to make a profit on them. Mr. Woronko explained that he will be retiring and would like to make extra income.

TMAPC COMMENTS:

Mr. Liotta asked Mr. Woronko if he weren't selling these items on the internet, could he currently do this legally without a Federal Firearms License. Mr. Woronko answered affirmatively. Mr. Woronko further explained that anyone present today can buy and sell weapons without a license. Mr. Liotta asked if this was happening all over Tulsa today without a license. Mr. Woronko explained that selling the firearms on the internet has nothing to do with why he needs the license; it is because he wants to sell the firearms for profit, which warrants the Federal Firearms License. Mr. Liotta stated that if one had a few friends and they wanted to sell each other firearms they wouldn't need a license to do so. Mr. Woronko agreed with Mr. Liotta's statement.

INTERESTED PARTIES COMMENTS:

Alyce Amend, 6322 South 72nd East Avenue, 74133, stated that she lives in Shadow Mountain and she is not representing the Homeowners Association. Ms. Amend indicated that she is opposed to the home office use to sell firearms. Ms. Amend commented that she can't imagine someone purchasing a gun on the internet without seeing it first. Ms. Amend expressed concerns that his address would be on the internet and bring "bad guys" into the neighborhood.

David Leech, 6229 South 73rd East Avenue, 74133, stated that he is concerned of a significant stockpiling of retail product at the subject location, which is a residence. The subject property is now a matter of public record and with the type of activity that it is it opens up the potential for home break-in and/or theft. Mr. Leech stated that the residential streets are not built for the traffic that this type of business could bring.

Mr. Covey stated that he wanted to make a comment that under the requested minor amendment, the applicant is limiting this to no customers and that there would only be pickup and delivery by UPS, Fed-X or US Postal Service. The restrictive covenant issues are a civil matter.

Amy Henry, 6210 South 73rd East Avenue 74133, stated she respectfully requests that the Planning Commission deny this application. Ms. Henry commented that she believes that it is more than an internet business and believes it is related to the gun business, which bothers her. Ms. Henry expressed concerns with the minor amendment staying with the subject property regardless of who owns the home.

Applicant's Rebuttal:

Mr. Woronko stated that everyone keeps referring to this as a business and it is simply a hobby on steroids. He further stated that he is not interested in starting another business when he retires.

TMAPC COMMENTS:

Mr. Midget asked Mr. Woronko if he is already doing this hobby, but now wants to do it for profit. Mr. Woronko answered affirmatively. Mr. Midget asked Mr. Woronko if he intends to store the product onsite and then transfer the product to the buyer. Mr. Woronko stated that when he receives the product it would be stored at the house and when it sells it will be shipped out. Mr. Woronko explained that if he does get the FFL license it will be the most regulated corner in the entire neighborhood. The ATF is extremely strict of whom they give the license to and he will be subject to periodic inspections and the ATF is not someone you want to upset in any way. Mr. Midget asked Mr. Woronko if he would be able to sell any and all types of firearms for profit that he can currently purchase. Mr. Woronko stated that anyone can do that right now.

Mr. Walker asked Mr. Woronko how often he anticipated being visited by the ATF. Mr. Woronko stated that they don't announce themselves, but he knows it would be at least once a year.

Mr. Dix asked Mr. Woronko what provisions he has made for the storage of the weapons. Mr. Woronko stated that he has gun safes and ATF will take care of that, they will make sure everything is safe. Mr. Dix asked Mr. Woronko if he would be keeping any ammunition on the site. Mr. Woronko stated that he would only have ammunition on site for his personal use, the same one would find in any other home. Mr. Dix stated that the license would allow Mr. Woronko to buy and sell automatic weapons. Mr. Woronko stated that is incorrect and that would require a different type of license, which he is not applying for.

Mr. Covey read from the standard license form and Mr. Woronko affirmed that he would not be purchasing or selling destructive devices. Mr. Covey informed Mr. Midget that on the Federal Firearms License Mr. Woronko has to certify to the ATF that he will secure the guns storage and have safety devices. Mr. Covey further stated that it also states that the ATF would do an annual inspection.

Mr. Woronko stated that one of the interested party's letters indicated that he would be selling guns without a background check. The FFL is needed to do a background check and only FFL's are able to do background checks. Right now anyone here today can sell a weapon to anybody else without a background check. As a licensed FFL dealer he will not be able

to do that anymore, every single weapon that leaves his hands will have to have a background check with it.

Mr. Midget stated that this is difficult for him because this is the first time he has ever seen anything like this and the fact that we are zoning it and appears it may be right because it is internet sales it gives him a lot of concerns and heartburn. Mr. Midget indicated that he will be opposing this application.

Mr. Carnes indicated that he agrees with Mr. Midget and will not be supporting this application. Mr. Carnes expressed concern with the minor amendment staying with the subject property and the perceived concerns from the neighborhood.

Mr. Edwards asked if the minor amendment would stay with the subject property. Mr. Wilkerson answered affirmatively.

Ms. VanValkenburgh stated that once the PUD is amended it runs with the land. Ms. VanValkenburgh explained that the Board of Adjustment can condition relief with time.

Mr. Dix stated that the FFL license doesn't stay with the land it is for the individual. The minor amendment, with the subject property, will be to allow a home occupation use.

Mr. Covey asked if the same restrictions would run with the land. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated that there are home offices all over Tulsa and they are all regulated with the Zoning Code with no problems.

Mr. Liotta stated that he will be supporting the applicant. Mr. Liotta further stated that what the applicant is asking to do, he can currently do with limitations and it is currently legal for him to buy and sell firearms to individuals. Mr. Liotta stated that anyone can buy and sell firearms at this time. The applicant is voluntarily bringing all kinds of restrictions and regulations on himself so that he can sell to a wider audience over the internet. The regulations and Federal involvement he is bringing upon himself will make him the safest property in the neighborhood. The fact that it's something that is legal currently and then he is bringing further restrictions on himself voluntarily should not be held against him. Mr. Liotta reiterated that he will be supporting this application.

Mr. Edwards stated that he will be supporting this application as well. Mr. Woronko came before the Planning Commission and made the neighbors aware of what he will be doing with the internet business. If he intended to

do anything sneaky or underhanded, then he would not have been as forthcoming as he has been.

Mr. Midget asked if the request is for a minor amendment to allow for a home occupation that is specifically for an internet based business. Mr. Wilkerson answered affirmatively. Mr. Midget asked if the minor amendment would run with the land. Mr. Wilkerson answered affirmatively. Mr. Midget asked if this would prevent anyone else from coming in and opening up another type of internet business with the subject property. Mr. Wilkerson answered negatively. Mr. Midget stated that any type of internet business would be allowed on the subject property once it is approved. Mr. Wilkerson stated that it would be with the restrictions that have been added. Mr. Midget stated that these are the same restrictions that are applied to any home based business. Mr. Midget expressed concerns with the various businesses that can be internet based. Mr. Midget stated that he is uncomfortable with this and can't support it.

Mr. Dix indicated that he would be supporting this application since the applicant will not be allowed to sell automatic weapons.

Mr. Perkins stated that he would have preferred that the BOA looked at this and they could have put additional restrictions on it. Mr. Perkins further stated that his wife is a Pharmacist and she sells shirts through the internet for a living on the side to make additional income. Mr. Perkins commented that he doesn't believe that is negative. Mr. Perkins indicated that he would be supporting this application. Mr. Perkins reminded everyone that this isn't about a FFL license; it is about a home based business and is a reasonable use.

Mr. Covey stated that he would like to echo the comments made by Mr. Liotta and Mr. Perkins. This isn't about the FFL, but it is about what restrictions are being place on the subject property and is it a home based business. The only reason we are here is because the applicant was forthcoming. There is no legal requirement for him to disclose what type of business he is running out of his home. Mr. Covey indicated that he would be supporting this application.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-2-0** (Covey, Dix, Edwards, Liotta, Perkins, Shivel, Walker "aye"; Carnes, Midget "nays"; none "abstaining"; Leighty, Stirling "absent") to **APPROVE** the minor amendment for PUD-187-22 per staff recommendation.

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11. **CZ-426 – HRAOK, Inc.**, Location: North of northwest corner of North Memorial Drive and East 116th Street North, Requesting rezoning from **AG TO RE**, (County)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

CZ-422 January 2013: Staff made a recommendation for denial of a request for rezoning a 9.5± acre tract of land from AG to RS zoning but approval of RE zoning on property located north of northwest corner of North Memorial Drive and East 116th Street North; also known as the subject property. The applicant requested to withdraw the application before it was heard by the TMAPC.

CZ-286 October 2001: All concurred in approval to rezone a 174± acre tract of land from AG to RE for single-family uses, on property located on the northeast corner and southeast corner of East 106th Street North and North Memorial Drive.

CZ-270 September 2000: The applicant withdrew their a request for rezoning a 2± acre tract of land from AG to CS for a health spa, on property located northeast corner of East 116th Street North and North Memorial Drive. Staff had recommended for approval but there was a lot of opposition at the TMAPC meeting, so the applicant chose to withdraw.

CBOA-1047 October 15, 1991: The Board of Adjustment approved a Variance of the required 30' of frontage on a public street to 0' to permit a private road, on property located north of northwest corner of North Memorial Drive and East 116th Street North and includes the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 13.8± acres in size and is located north of northwest corner of North Memorial Drive and East 116th Street North. The property appears to be vacant and slightly wooded and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by North Memorial Drive. Further east and across the street is zoned AG; on the north by an un-platted residential tract, zoned AG; on the south by a panhandle for a parcel west of the subject tract and further south several un-platted residential sites, zoned AG; and on the west by vacant land, also zoned AG.

UTILITIES: The subject tract has water from a Rural Water District and no public sanitary sewer is available. Each lot will provide its own septic system.

TRANSPORTATION VISION:

The Comprehensive Plan does not include North Memorial as a multi modal street.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Memorial Drive	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site is outside of the current City of Owasso and City of Tulsa Comprehensive Plan Land Use map areas.

The Land Use Plan in the “North Tulsa County Comprehensive Plan 1980-2000” illustrates this area as an agricultural area. The Intensity Development Concept illustrates the area as a low intensity development area with a collector street system which anticipated future low intensity residential growth. There are two types of residential development identified for this area:

- 1) Low Intensity Development Concept is defined in the North Tulsa County Comprehensive Plan as an “area concentrated within neighborhoods bounded by arterial streets The probable extension of water and sewer services, the existing and planned traffic network, the proximity of other urban services, and the suitability of physical characteristics make these areas the optimum places of urban growth for the Planning area. Extension of water and sewer service to these areas are prerequisite for urban intensity residential growth and includes RS zoning designation areas”. Current bulk and area requirements in the RS district support a more suburban style development than is expected in this area.
- 2) A Rural Residential Intensity Area was considered in the comprehensive plan text for “anticipated development of large lot residential areas on the fringes of anticipated urban development and where development constraints regarding public sanitary sewer and water systems would limit even a low intensity development.” Appropriate bulk and area requirements are generally identified in the RE zoning

designation in the current Tulsa County Zoning Code to support this type of development.

STAFF RECOMMENDATION:

All of the area included in the zoning request is part of The North Tulsa County Comprehensive Plan which was prepared for the 1980-2000 vision. The plan has successfully predicted the existing development patterns which include agriculture and large lot residential development. The plan anticipates future higher density development when infrastructure improvements reach the area. The North Tulsa Comprehensive Plan recognized the limitations of infrastructure, especially sanitary sewer service, in the area. The plan identified an opportunity for the Rural Residential Intensity Area as a possible use in the low intensity development area. The plan noted that ".....large lot residential areas adjacent to the urban area may be transitional in nature and could develop in a low intensity nature depending upon the availability of urban facilities and utilities."

The current development pattern for this area is considered a Large Lot Residential or Agricultural areas which are both supported in the "North Tulsa County Comprehensive Plan 1980-2000". The Residential Estate "RE" bulk and area requirements includes a minimum lot width of 150 feet and a minimum lot area of 22,500 square feet. The RE lot size is dense by comparison to abutting properties however is an accepted use in this urban fringe and in the comprehensive plan and therefore staff recommends **APPROVAL** from AG to RE Zoning.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to recommend **APPROVAL** of the RE zoning for CZ-426 per staff recommendation.

Legal Description for CZ-426:

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER (S/2 N/2 SE/4) OF SECTION TWO (2), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWO (2), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE

THIRTEEN (13) EAST; THENCE N 01°09'11" W ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE/4) A DISTANCE OF 1385.86 FEET; THENCE S 88°43'44" W A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 88°43'44" W A DISTANCE OF 1501.50 FEET; THENCE N 01°09'11" W A DISTANCE OF 401.12 FEET; THENCE N 88°41'47" E A DISTANCE OF 1501.50 FEET; THENCE S 01°09'11" E A DISTANCE OF 401.97 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 602,918.68 SQ. FT./13.841 ACRES, MORE OR LESS.

12. **Z-7220 – AAB Engineering, LLC/Alan Betchan**, Location: Northwest corner of East 49th Street and South Harvard Avenue, Requesting rezoning from **RM-1 TO CO**, (CD-9) (Related to Items 13 and 14)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-5412 February 1981: A request for rezoning a 7.5± acre tract of land from RS-3/RM-1/CS to CG/CH/PUD (PUD-238) or CO with the intent to expand the existing motel, on property located on the southwest corner of South Harvard Avenue and East 49th Street and abutting south of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

BOA-15839 September 24, 1991: The Board of Adjustment approved a Variance to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq. ft.; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance; finding that similar variances have been granted to other businesses in the Tulsa Area, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-12313 December 2, 1982: The Board of Adjustment approved a Special Exception to permit a car wash in a CS district, per plot plan submitted, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-8571 May 15, 1975: The Board of Adjustment approved a Special Exception to remove the screening requirements on the north property line, per the applicant's amended plot plan, in a CS District, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-4517 November 18, 1964: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment building 10 feet from the front and 10 feet from the rear, on property located on Lot 3, Block 2, Villa Grove, and is a part of the subject property.

BOA-4234 November 13, 1963: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment building 10 feet from the front, on property located on Lot 1 and 2, Block 2, Villa Grove, and is a part of the subject property.

Surrounding Property:

Z-7192 March 2012: All concurred in approval of a request for rezoning a 2± acre tract of land from OM to CS for retail/commercial uses on property located northwest corner of 49th Street South and South Harvard Avenue, abutting north across E. 49th St. of subject property.

Z-7138 September 2009: All concurred in approval of a request for rezoning a 1250± square foot tract of land from RS-3 to PK for parking and access on property located west of southwest corner of East 49th Street and South Harvard Avenue

Z-5412-SP-2 February 2009: A request for a Corridor Development Plan a 3.54± acre tract of land to allow for a digital outdoor advertising sign Use Unit 21, was withdrawn by applicant, on property located west of northwest corner East Skelly Drive and South Harvard Avenue and abutting west of subject property.

Z-5412-SP-1 November 1987: All concurred in approval of a request for a Detail Sign Plan to replace a ground sign, for an existing motel development, which was constructed when the property was zoned CS, on property located west of the northwest corner of South Harvard Avenue and I-44 Skelly Bypass Frontage Road and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9,888± square in size and is located near the northwest corner of East 49th Street and South Harvard Avenue. The property is vacant and is zoned RM-1. This strip of RM-1 appears to be part of the East 49th Street South street right-of-way. A much larger parcel of RM-1 was originally in place then re-

zoned from the original RM-1 to CO. In an apparent oversight in the legal description did not include the RM-1 strip that went to the center of the E. 49th Street South Right of Way.

SURROUNDING AREA: The subject tract is abutted on the east by South Harvard Avenue. East across Harvard is a multi story office building and single story retail space, zoned CS; on the north by East 49th Street. North across East 49th is a vacant restaurant site, zoned CS; on the south by an empty lot that is currently zoned CO and on the west by East 49th Street and hotel site, zoned CO.

UTILITIES: The subject tract has City of Tulsa water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard Avenue as a Secondary Arterial / Multi Modal Street. The requested zoning is consistent with the stated vision of the Multi Modal Street system.

East 49th Street is not classified in the transportation vision of the comprehensive plan however anticipated pedestrian connections allowed by new development encourages the pedestrian connectivity that is integral to the Comprehensive Plan.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 49 th Street	NA	50 feet	2
South Harvard Avenue	Secondary Arterial	100	6 +

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan:

The entire site is inside the E. 49th Street South street right-of-way and the Mixed Use Corridor Designation.

Growth and Stability Map

The entire site is inside the E. 49th Street South street right-of-way and the Area of growth.

Staff Comment: This rezoning request is part of a larger Corridor Development plan Z-7222-SP-1. The complete description of this request as it relates to the comprehensive plan will be found in that report.

STAFF RECOMMENDATION:

This strip of zoning is being requested to remove an insignificant residential component of a Corridor Development Plan for a proposed

convenience store site that will include a larger parcel west of South Harvard Avenue between South 49th East Avenue and E. Skelly Drive.

Staff has reviewed this proposal, conducted site visits and finds:

1. The uses and intensities of the re-zoning request to be in harmony with the existing development patterns and expected development of the surrounding areas as defined in the City of Tulsa Comprehensive Plan.
2. The proposed rezoning provides a unified treatment of the development possibilities for the site and the anticipated future Corridor Development Plan.

Therefore, **staff recommends APPROVAL** of rezoning request from RM-1 to CO.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to recommend **APPROVAL** of the CO zoning for Z-7220 per staff recommendation.

Legal Description for Z-7220:

A TRACT OF LAND THAT IS PART OF EAST 49TH STREET SOUTH RIGHT-OF-WAY AND PART OF SOUTH HARVARD AVENUE RIGHT-OF-WAY, BOTH LYING IN A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGIINING AT A POINT ON THE EASTERLY LINE OF SECTION 29, SAID POINT BEING AN EASTERLY EXTENSION OF THE NORTHERLY LINE OF BLOCK TWO (2), VILLA GROVE SUBDIVISION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID POINT FURTHER BEING NORTH 88°34'24" EAST A DISTANCE OF 35.00 FEET FROM THE NORTHEAST CORNER OF LOT 1, BLOCK 2, VILLA GROVE SUBDIVISION; THENCE SOUTH 88°34'24" WEST ALONG SAID EASTERLY EXTENSION AND ALONG THE NORTHERLY LINES OF LOTS 1, 2 AND 3, BLOCK 2, VILLA GROVE SUBDIVISION FOR 395.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 01°25'36" WEST FOR 25.00 FEET TO A POINT ON THE

CENTERLINE OF EAST 49TH STREET SOUTH; THENCE NORTH 88°34'24" EAST ALONG SAID CENTERLINE AND AN EASTERLY EXTENSION THEREOF FOR 394.99 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 29; THENCE SOUTH 01°27'05" EAST ALONG SAID EASTERLY LINE FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 9,875 SQUARE FEET OR 0.227 ACRES, MORE OR LESS.

RELATED ITEM:

13. **Z-7221 – AAB Engineering, LLC/Alan Betchan**, Location: Northwest corner of I-44 Highway and South Harvard Avenue, Requesting rezoning from **RS-2/CS TO CO**, (CD-9) (Related to Items 12 and 14)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-5412 February 1981: A request for rezoning a 7.5+ acre tract of land from RS-3/RM-1/CS to CG/CH/PUD (PUD-238) or CO with the intent to expand the existing motel, on property located on the southwest corner of South Harvard Avenue and East 49th Street and abutting south of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

BOA-15839 September 24, 1991: The Board of Adjustment approved a Variance to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq. ft.; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance; finding that similar variances have been granted to other businesses in the Tulsa Area, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-12313 December 2, 1982: The Board of Adjustment approved a Special Exception to permit a car wash in a CS district, per plot plan submitted, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-8571 May 15, 1975: The Board of Adjustment approved a Special Exception to remove the screening requirements on the north property line, per the applicant's amended plot plan, in a CS District, on property

located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-4517 November 18, 1964: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment building 10 feet from the front and 10 feet from the rear, on property located on Lot 3, Block 2, Villa Grove, and is a part of the subject property.

BOA-4234 November 13, 1963: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment building 10 feet from the front, on property located on Lot 1 and 2, Block 2, Villa Grove, and is a part of the subject property.

Surrounding Property:

Z-7192 March 2012: All concurred in approval of a request for rezoning a 2± acre tract of land from OM to CS for retail/commercial uses on property located northwest corner of 49th Street South and South Harvard Avenue, abutting north across E. 49th St. of subject property.

Z-7138 September 2009: All concurred in approval of a request for rezoning a 1250± square foot tract of land from RS-3 to PK for parking and access on property located west of southwest corner of East 49th Street and South Harvard Avenue

Z-5412-SP-2 February 2009: A request for a Corridor Development Plan a 3.54± acre tract of land to allow for a digital outdoor advertising sign Use Unit 21, was withdrawn by applicant, on property located west of northwest corner East Skelly Drive and South Harvard Avenue and abutting west of subject property.

Z-5412-SP-1 November 1987: All concurred in approval of a request for a Detail Sign Plan to replace a ground sign, for an existing motel development, which was constructed when the property was zoned CS, on property located west of the northwest corner of South Harvard Avenue and I-44 Skelly Bypass Frontage Road and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.18± acres in size and is located Northwest corner of I-44 Highway and South Harvard Avenue. The property appears to be vacant and is zoned RS-2/CS.

SURROUNDING AREA: The subject tract is abutted on the east by South Harvard Avenue. East across Harvard is a multi story office building and single story retail space, zoned CS; on the north by vacant land zoned CO. South across I-44, Skelly Drive and East 51st Street

South is a retail site, zoned CS; and on the west by a hotel site, zoned CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard Avenue as a Secondary Arterial / Multi Modal Street. The requested zoning is consistent with the stated vision of the Multi Modal Street system. East Skelly Drive is

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Skelly Drive	Freeway Service Road	NA	2+ west bound only
South Harvard Avenue	Secondary Arterial	100	6+ with median

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan:

The entire site is inside Mixed Use Corridor Designation.

Growth and Stability Map

The entire site is inside the Area of Growth.

Staff Comment: This rezoning request is part of a larger Corridor Development plan Z-7222-SP-1. The complete description of this request as it relates to the comprehensive plan will be found in that report.

STAFF RECOMMENDATION:

This zoning request is part of a larger Corridor Development Plan that will be for a proposed convenience store site that will include a larger parcel west of South Harvard Avenue between South 49th East Avenue and E. Skelly Drive.

Staff has reviewed this proposal, conducted site visits and finds:

1. The uses and intensities of the re-zoning request to be in harmony with the existing development patterns and expected development of the surrounding areas as defined in the City of Tulsa Comprehensive Plan.
2. The proposed rezoning provides a unified treatment of the development possibilities for the site and the anticipated future Corridor Development Plan.

Therefore, **staff recommends APPROVAL** of rezoning request from RM-1 to CO.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to recommend **APPROVAL** of the CO zoning for Z-7221 per staff recommendation.

Legal Description for Z-7221:

A TRACT OF LAND THAT IS PART OF LOT SEVENTEEN (17), BLOCK TWO (2), VILLA GROVE SUBDIVISION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, VILLA GROVE SUBDIVISION; THENCE NORTH 88°34'24" EAST ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID BLOCK 2 FOR 35.00 FEET TO A POINT ON THE EASTERLY LINE OF SECTION 29; THENCE SOUTH 01°27'05" EAST ALONG SAID EASTERLY LINE FOR 305.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 88°34'50" WEST ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 17, BLOCK 2, VILLA GROVE SUBDIVISION, AND ALONG SAID NORTHERLY LINE FOR 285.00 FEET TO A PLATTED CORNER FOR LOT FOUR (4), BLOCK ONE (1), TRADE WINDS ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°27'05" EAST ALONG A EASTERLY LINE OF SAID LOT 4, TRADE WINDS ADDITION, AND A SOUTHERLY EXTENSION THEREOF, FOR 193.25 FEET; THENCE NORTH 83°33'15" EAST FOR 286.09 FEET TO A POINT ON SAID EASTERLY LINE OF SECTION 29; THENCE NORTH 01°27'05" WEST ALONG SAID EASTERLY LINE FOR 168.19 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 51,505 SQUARE FEET OR 1.182 ACRES, MORE OR LESS.

RELATED ITEM:

14. **Z-7221-SP-1/Z-7220-SP-1/Z-5412-SP-3 – AAB Engineering, LLC/Alan Betchan**, Location: Northwest corner of I-44 Highway and South Harvard Avenue, Requesting Corridor Development Plan for one development area with all uses permitted by right, except Use Unit 12a (Adult Entertainment Establishments), **RS-2/RM-1/CS**, (CD-9) (Related to Items 12 and 13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 14977 dated March 2, 1981; 11823 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-5412 February 1981: A request for rezoning a 7.5+ acre tract of land from RS-3/RM-1/CS to CG/CH/PUD (PUD-238) or CO with the intent to expand the existing motel, on property located on the southwest corner of South Harvard Avenue and East 49th Street and abutting south of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

BOA-15839 September 24, 1991: The Board of Adjustment approved a Variance to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq. ft.; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance; finding that similar variances have been granted to other businesses in the Tulsa Area, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-12313 December 2, 1982: The Board of Adjustment approved a Special Exception to permit a car wash in a CS district, per plot plan submitted, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-8571 May 15, 1975: The Board of Adjustment approved a Special Exception to remove the screening requirements on the north property line, per the applicant's amended plot plan, in a CS District, on property located at 4970 South Harvard Avenue and is a part of the subject property.

BOA-4517 November 18, 1964: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment

building 10 feet from the front and 10 feet from the rear, on property located on Lot 3, Block 2, Villa Grove, and is a part of the subject property.

BOA-4234 November 13, 1963: The Board of Adjustment approved a Variance of a setback requirement to permit erection of an apartment building 10 feet from the front, on property located on Lot 1 and 2, Block 2, Villa Grove, and is a part of the subject property.

Surrounding Property:

Z-7192 March 2012: All concurred in approval of a request for rezoning a 2± acre tract of land from OM to CS for retail/commercial uses on property located northwest corner of 49th Street South and South Harvard Avenue, abutting north across E. 49th St. of subject property.

Z-7138 September 2009: All concurred in approval of a request for rezoning a 1250± square foot tract of land from RS-3 to PK for parking and access on property located west of southwest corner of East 49th Street and South Harvard Avenue

Z-5412-SP-2 February 2009: A request for a Corridor Development Plan a 3.54± acre tract of land to allow for a digital outdoor advertising sign Use Unit 21, was withdrawn by applicant, on property located west of northwest corner East Skelly Drive and South Harvard Avenue and abutting west of subject property.

Z-5412-SP-1 November 1987: All concurred in approval of a request for a Detail Sign Plan to replace a ground sign, for an existing motel development, which was constructed when the property was zoned CS, on property located west of the northwest corner of South Harvard Avenue and I-44 Skelly Bypass Frontage Road and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.18± acres in size and is located Northwest corner of I-44 Highway and South Harvard Avenue. The property appears to be vacant and is zoned RS-2/ RM-1/ CS.

SURROUNDING AREA: The subject tract is abutted on the east by South Harvard Avenue. Further east across Harvard is a multi story office building and single story retail space, zoned CS; on the north by E. 49th Street South then further north is a vacant commercial building zoned CS. South across I-44, Skelly Drive and East 51st Street South is a retail site, zoned CS; and on the west by a hotel site, zoned CO.

UTILITIES: The subject tract has City of Tulsa water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard as a Secondary Arterial Multi Modal Street. East 49th Street South and East Skelly Drive are both planned on-street bikeways.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 49 th Street	Residential	50 feet	2
South Harvard Avenue	Secondary Arterial	100 feet	6+ with median
Skelly Drive	Highway Frontage Road	NA	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan Map (Mixed Use Corridor):

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

Staff Comment: In many areas this proposed development plan does not meet the Mixed Use Corridor Development pattern identified in the Comprehensive Plan. This site provides parking on the side and behind the building but there is no proposed opportunity for providing windows and storefront along the sidewalk as mentioned in the Comprehensive Plan vision for this Mixed Use Corridor.

New sidewalk construction along South Harvard and East 49th Street will improve pedestrian connectivity in this area.

While the placement of the building does not meet all of the goals of the Mixed Use Corridor the site does provide incremental improvements to improve pedestrian and alternative modes of transportation other than the car. The recent street and highway improvements in the area included some sidewalks however there were no street tree opportunities provided between the existing sidewalk and the vehicular travel lanes. The new street improvements did not meet the design guidelines outlined in the comprehensive plan and it is not possible to re-build that portion of the street and pedestrian system to meet those standards at this time.

This site shows conceptually some street trees that will help achieve the goal of providing street trees in along Harvard, Skelly and East 49th Street South.

Growth and Stability Map (Area of Growth):

The Tulsa Comprehensive Plan designates the site as an “Area of Growth”.

The Comprehensive Plan designates the entire property that is subject of this Corridor Development Plan application as an “Area of Growth”.

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 re-development of this property provides economic activity in the area benefiting existing residents and businesses. An important I-44 project has recently been completed which completely changed traffic movement in this area. Additional vehicular capacity in this area was the primary focus of those recent improvements. ODOT and City of Tulsa infrastructure improvements provide a refreshed core for this Area of Growth but will not meet the goals of the Mixed Use Corridor regarding transit options and parallel parking for the foreseeable future.

STAFF SUMMARY:

Development Standards

This CDP will consist of one development area subject to the following development standards:

Land Area

Gross Lot Area

(Includes street right of way in 49th, Harvard and Skelly Drive 181,849 sq. ft. (4.175 ac)

Net Lot Area

123,225 sq. ft. (2.829 ac)

~~Permitted Uses~~

~~All uses permitted by right (including all uses customarily accessory thereto) within the Corridor District shall be allowed except Use Unit 12a: Adult Entertainment Establishments.~~

Permitted Uses

All uses permitted (including all uses customarily accessory thereto) within the Corridor District shall be allowed except the following shall be prohibited:

Use Unit 6: Single Family Dwelling

Use Unit 7: Duplex Dwelling

Use Unit 7a: Townhouse Dwelling

Use Unit 12a: Adult Entertainment Establishments

Use Unit 15: Other Trades and Services

Use Unit 16: Mini-Storage

Use Unit 22: Scientific Research and Development

Use Unit 23: Warehousing and Wholesaling
Use Unit 25: Light Manufacturing and Industry

Maximum Building Area 15,000 SF, FAR (0.082)

Minimum Building Setbacks

From the south right of way line on East 49th Street 25'
From centerline of Harvard Avenue* 100'
From the north right of way line on Skelly Drive 50'

**Setbacks shall be measured from the eastern line of Section 04 Township 19 North Range 13 East for Harvard Avenue.*

For the purposes of interpreting this Corridor Development Plan building setbacks will not be applied to fuel canopies. The building setback line does not follow the lot-line adjacent to Harvard however it does conform to the zoning code regarding the setback from the section line.

Maximum Building Height

One-Story with a Maximum Height of 35'.

Parking

Vehicular parking spaces shall be provided at a minimum of one space for each 100 square feet of floor area.

Bicycle parking shall be provided by placing a bike rack near the building with minimum parking for four bicycles.

Lighting

All lighting standards shall be constructed in a manner that prevents visibility of the light emitting element from adjacent residentially zoned properties. No lighting standard shall exceed 30'. A photometric plan shall be provided as part of the site plan review with an accurate representation of lighting illustrating a maximum of 1 foot candle at the property lines.

Signage

Signage shall be limited to the following:

- One double faced ground sign not exceeding 25' in height shall be permitted along Harvard Avenue, provided it does not exceed 150 square feet of display surface area per side.
- One double faced pole sign not exceeding 50' in height shall be permitted along Skelly Drive, provided it does not exceed 360 square feet of display surface area per side.

- Wall and canopy signs shall be limited to 2 square feet per linear foot of building or canopy wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

Screening

All trash and mechanical areas (excluding utility service pedestals, transforms and equipment provided by franchise utility providers) shall be screened from public view of person standing at ground level adjacent thereto. A fabric mesh with a minimum opacity of 95% shall be allowed on enclosure doors.

Landscaping

The following landscape standards shall govern within this CDP and shall be provided in lieu of an Alternative Compliance Landscape Plan. The landscape will be reviewed at staff level following the standards defined below:

Minimum internal landscaped space 10%

Street Yard Requirements:

Harvard Avenue

Minimum Landscape Width 15'
 (Except at areas of vehicular access)
 Minimum Landscape Percentage 15%
 Minimum Number of Trees 1/1,000 Sq. Ft.

49th Street

Minimum Landscape Width 15'
 (Except at areas of vehicular access)
 Minimum Landscape Percentage 15%
 Minimum Number of Trees 1/750 Sq. Ft.

Skelly Drive

Minimum Landscape Width 15'
 (Except at areas of vehicular access)
 Minimum Landscape Percentage 15%
 Minimum Number of Trees 1/1500 Sq. Ft.

Parking Tree Requirements:

A landscaped island with a minimum width of 6' and 10' in length containing a 2" caliper tree shall be provided within 140' of each parking space. One tree shall be provided for every 10 parking spaces outside the street yard.

Pedestrian Access:

Sidewalks will be constructed along the East 49th Street frontage, along Skelly Drive Frontage and some sidewalk modifications will be implemented along South Harvard.

STAFF RECOMMENDATION:

Staff has carefully reviewed this proposal, conducted site visits and finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Zoning Code.

Staff finds Corridor Development Plan Z-7221-SP-1 to be:

- 1) In harmony with the existing development patterns surrounding the site.
- 2) Not in complete harmony with the development pattern as defined by the Comprehensive Plan. The proposed plan provides incremental improvements for pedestrian connections and provisions for bicycle traffic. The recent public infrastructure project improved highway and street vehicular patterns but have created significant obstacles toward implementing the multimodal street system identified in the plan.
- 3) Provides a unified treatment of the development possibilities of the site;
- 4) Consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.
- 5) Therefore, staff recommends **APPROVAL** of Z-7221-SP-1 as outlined in the staff summary above.

Ms. VanValkenburgh stated that she believes it would be better to allow the Planning Commission to see the uses allowed so that they can compare with the uses that area be excluded and know what they are approving. Mr. Wilkerson stated that this revised language has been presented to QuikTrip and they were good with it and it wasn't done blindly. Mr. Wilkerson read the uses allowed from the Zoning Code. Mr. Wilkerson further stated that he understands what Ms. VanValkenburgh is stating.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to recommend **APPROVAL** of the Corridor Development Plan for Z-7221-SP-1/Z-7220-SP-1/Z-5412-SP-3 per staff recommendation. (*Language underlined has been added and language with a strike-through has been deleted.*)

Legal Description for

A TRACT OF LAND THAT IS PART OF LOTS ONE (1) AND SEVENTEEN (17), AND ALL OF LOTS TWO (2) AND THREE (3), ALL IN BLOCK TWO (2), VILLA GROVE SUBDIVISION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGIIING AT A POINT ON THE EASTERLY LINE OF SECTION 29, SAID POINT BEING AN EASTERLY EXTENSION OF THE NORTHERLY LINE OF BLOCK TWO (2), VILLA GROVE SUBDIVISION, SAID POINT FURTHER BEING NORTH 88°34'24" EAST A DISTANCE OF 35.00 FEET FROM THE NORTHEAST CORNER OF LOT 1, BLOCK 2, VILLA GROVE SUBDIVISION; THENCE NORTH 01°27'05" WEST ALONG SAID EASTERLY LINE FOR 25.00 FEET; THENCE SOUTH 88°34'24" WEST ALONG THE EASTERLY EXTENSION OF THE CENTERLINE OF EAST 49TH STREET SOUTH AND ALONG SAID CENTERLINE FOR 394.99 FEET; THENCE SOUTH 01°25'36" EAST FOR 25.00 FEET TO THE NORTHWEST CORNER OF LOT 3, VILLA GROVE SUBDIVISION; THENCE SOUTH 01°27'05" EAST ALONG THE WESTERLY LINE OF SAID LOT 3, THE SAME BEING THE EASTERLY LINE OF LOT 1 AND A EASTERLY LINE OF LOT 4, TRADE WINDS ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FOR 304.96 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 88°34'50" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 3, THE SAME BEING A EASTERLY OF SAID LOT 4, TRADE WINDS ADDITION FOR 110.00 FEET; THENCE SOUTH 01°27'05" EAST ALONG A EASTERLY LINE OF SAID LOT 4, TRADE WINDS ADDITION, AND A SOUTHERLY EXTENSION THEREOF, FOR 193.25 FEET; THENCE NORTH 83°33'15" EAST FOR

286.09 FEET TO A POINT ON SAID EASTERLY LINE OF SECTION 29; THENCE NORTH 01°27'05" WEST ALONG SAID EASTERLY LINE FOR 473.20 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 181,849 SQUARE FEET OR 4.175 ACRES, MORE OR LESS.

* * * * *

15. **PUD-333-B – Lou Reynolds**, Location: Southeast corner of South Lewis Avenue and East 56th Place, Requesting a Major Amendment to combine the properties to provide for the construction of ATM facility on the north lot and drive-through facility, **RS-2/OL/PUD-333-A**, (CD-9)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20568 dated April 15, 2003; 17282 dated February 23, 1990, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-333-A April 2003: All concurred in approval of a Major Amendment to a Planned Unit Development on a .833+ acre tract to allow for a branch bank with drive-thru lanes on property located north of the northeast corner of South Lewis Avenue and East 57th Street.

Z-6276 January 1990: All concurred in approval of a request to rezone a .50+ acre tract of land from RS-2 to OL for office development on property located on the southeast corner of East 56th Place and South Lewis Avenue, and is part of the subject property.

PUD-333 September 1983: All concurred, per conditions, in approving a request to rezone the subject tract from RS-2 and OL to OL/PUD-333 for office use.

Surrounding Property:

PUD-274-A : All concurred in approval of a Major Amendment to PUD on an 8± acre tract of land to allow for senior care center use and to combine Development Areas C and D into one new Development Area E, on property located north of northeast of South Lewis Avenue and East 61st Street South and south of subject property.

PUD-403 October 1985: Approval was granted for a request to rezone the one-acre tract from RS-2 and OL to OL/PUD for an office development allowing uses by right in an OL-zoned district, excluding drive-in bank and funeral home on property located on the northeast corner of South Lewis Avenue and East 57th Street.

Z-5650/PUD-274 February 1982: All concurred in approval of a request to rezone a 13.8 acre tract from RS-2 to RM-1 and RS-3 and a proposed Planned Unit Development for a multi-story office building with residential condominium units, this included a 40 foot landscape buffer between the project and the abutting single-family residents to the north. On property located north of northeast corner of East 61st Street and South Lewis Avenue and a part of subject property. A minor amendment PUD-274-3 added a drive-thru bank as a permitted use approved on September 6, 2006.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.4± acres in size and is located on the southeast corner of South Lewis Avenue and East 56th Place. The north lot is vacant the south lot is used as a bank on a portion and vacant on the land that is proposed to be added to the PUD, and is zoned RS-2/ OL/ PUD-333-A.

SURROUNDING AREA: The subject tract is abutted on the east by single family residential and is zoned RS-2; on the north by an office building and is zoned OL; on the south by an office and is zoned OL, RS-2, with a PUD403 overlay; and on the west by a strip center west of Lewis and is zoned CS.

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

TRANSPORTATION VISION:

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

56th Place is a designated on-street bikeway.

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
East 56 th Place	NA	50'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan Map (Mixed Use Corridor)

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

Staff Comment: This site generally agrees with the concept of providing parking on the side or behind the building. A bank drive thru is located between the existing building and the street right of way. There is no opportunity for providing windows and storefront along the sidewalk as mentioned in the Comprehensive Plan. New sidewalk construction along South Lewis and East 56th Street will improve pedestrian connectivity in this area.

Growth and Stability Map (Area of Growth)

The Tulsa Comprehensive Plan designates the site as an "Area of Growth".

The Comprehensive Plan designates the entire property that is subject of this PUD application as an "Area of Growth".

The purpose of 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 SUMMARY:

I. APPLICANT DEVELOPMENT CONCEPT:

The Project is comprised of two (2) lots south of East 56th Place South and east of South Lewis Avenue.

The northerly lot is not platted and is described as follows, to-wit:

THE WEST ONE HUNDRED NINETY (190) FEET OF A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING 539 FEET SOUTH OF THE NORTHWEST CORNER OF THE NW/4 SW/4 OF SAID SECTION 32; THENCE EAST A DISTANCE OF 300 FEET TO A POINT; THENCE NORTH A DISTANCE OF 116.80 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 300.03 FEET TO A POINT 121 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 121 FEET TO THE POINT OF BEGINNING (the "North Lot").

The southerly lot which was platted in 2004 as a part of PUD No. 333-A is described as follows, to-wit:

LOT ONE (1), BLOCK ONE (1), UNION BANK ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (the "South Lot").

Today, BancFirst operates a drive-in bank on the South Lot.

The purpose of Planned Unit Development No. 333-B ("PUD No. 333-B") is to combine the above described properties to provide for the construction of ATM facility on the North Lot. A drive thru structure will be constructed along with vehicular circulation improvements to East 56th Street South and significant screening and landscaping will also be constructed. The existing ATM will be removed from its present location in the existing drive-through canopy attached to the BancFirst building on the South Lot.

PUD No. 333-B would also permit a monument style business sign on South Lewis Avenue and reduce the number of access points along South Lewis Avenue to one (1). Finally, PUD No. 333-B will amend the access drive on the north side of the existing BancFirst building to one-way westbound from one-way eastbound.

The Conceptual Site Plan for the Project is shown on Exhibit "A". Exhibit "B" is an aerial photograph of area land uses around the Project.

To further assure compatibility with the single family residence located east of the new ATM structure, the existing 8 FT masonry screening wall and the landscape buffer will be extended along the east boundary of the North Lot. Such extended landscape buffer will be designed to retain the existing healthy trees and additional trees will be added to enhance the existing landscape buffer.

Access to the Project will be provided by South Lewis Avenue and East 56th Place South. The Access and Circulation Plan is shown on Exhibit "C".

Current zoning on the Project is OL – Office Low Density District and RS-2 – Residential Single-Family Medium Density District. No re-zoning is required to support the Project as proposed in PUD No. 333-B. The existing zoning is shown on Exhibit "D".

PUD No. 333-B is submitted to establish Development Standards and conditions including detail screening and landscape plans to

provide buffering and separation from the residences to the east of the Project.

Finally, the Detail Site Plan review will ensure continued compliance with the approved Development Standards.

II. DEVELOPMENT STANDARDS:

GROSS LAND AREA: 64,736 SF 1.486 AC

NET LAND AREA: 46,755 SF 1.073 AC

PERMITTED USES:

Those uses permitted in Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services including but not limited to drive-in bank facilities, an automatic teller facility; Use Unit 21, Business Signs and Outdoor Advertising Signs, limited to Business Signs identifying the Project and Businesses and Tenants within the Project and directional signs and uses customarily incidental and accessory to such permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 5,000 SF

MINIMUM-BUILDING OR CANOPY SETBACKS:

From the centerline of South Lewis Avenue
Building wall (existing bank building): 100 FT
Drive-in canopy (teller lanes) 65 FT
ATM kiosk: 115 FT

From the east boundary of the PUD:
Building wall (existing bank building): 65 FT
Drive-in canopy (teller lanes): 190 FT
ATM kiosk: 50 FT

From the centerline of East 56th Place South:
Building wall (existing bank building): 170 FT
ATM kiosk: 70 FT

From the south boundary of the PUD:
Building wall (existing bank building): 21 FT
ATM kiosk: 150 FT

MINIMUM PARKING SPACE OR ACCESS DRIVE SETBACKS:

From the south 121 FT of the east boundary of the PUD:
10 FT

From the north 118 FT of the east boundary of the PUD:
25 FT

From the east 35 FT of the south boundary of the PUD:
15 FT

SIGNS:

- a) The North Lot will include two (2) business signs: one (1) monument sign along South Lewis Avenue containing 40.5 square feet of display surface area and 18 feet in height; and one (1) wall sign affixed to the ATM kiosk containing 4.5 square feet of display surface area and facing South Lewis Avenue.
- b) The South Lot will include one (1) business sign, a wall sign containing 28 square feet of display surface area and facing South Lewis Avenue.
- c) Directional signs containing 3 square feet or less of display surface area and 4 feet or less in height may be located on both the North Lot and the South Lot.
- d) Illumination, if any, shall be by constant light.

OTHER BULK AND AREA REQUIREMENTS:

As established by the Office Low Intensity (OL) District.

LANDSCAPED AREA:

A minimum of twenty percent (20%) of the total net land area of the Project shall be improved as internal landscape open space. All other landscape requirements as defined in the City of Tulsa Zoning Code shall apply.

LIGHTING:

- a) Outdoor lighting shall be pointed down and away from the adjacent residential properties and further shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas.
- b) Lighting shall not exceed 16' height.
- c) A photometric plan shall be provided as part of the site plan approval which illustrates the accurate

photometric of the fixtures used. Proposed site or exterior building lighting shall not exceed 0.5 ft candles at the property boundary.

TRASH AND MECHANICAL EQUIPMENT AREAS:

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

III. LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and will establish a new minimum 25 FT wide landscape buffer separating the North Lot from the residential neighborhood to the east (see Exhibit "E-1" – Conceptual Landscape Plan – North Lot).

An 8 FT masonry screening wall will be constructed along the east boundary of the North Lot and will tie in to the existing 8 FT masonry screening wall on the South Lot such that an 8 FT screening wall will be constructed and maintained along the boundary of the Project that abuts the residential zoning to the east and south. The design of the screening wall is shown on Exhibit "F", Boundary Screening Wall Details.

Landscaping will be extended along the east boundary of the North Lot as shown on Exhibit "E-2", Conceptual Landscape Plan (North Lot). This landscaping will incorporate the healthy existing trees and will add additional trees a minimum of 10 FT in height at time of planting to create an immediate visual barrier over and above the 8 FT high masonry screening wall.

The landscaping and screening for the South Lot will not be changed and will remain in place.

IV. ACCESS AND CIRCULATION:

Two of the existing access points along South Lewis Avenue will be removed and replaced with access from East 56th Place South as shown on Exhibit "C" – Site Access and Circulation Plan. On the North Lot, the existing sidewalk will be extended north along South Lewis Avenue and then east

along East 56th Place South to the east boundary of the Project.

Internally, the access drive on the north side of the existing bank building will be changed to one-way westbound from one-way eastbound and will not be more than 18 FT in width.

56th Place is a designated on-street bikeway. Provisions for a bike rack will be provided near the banks pedestrian access.

STAFF RECOMMENDATION:

Staff has carefully reviewed this proposal, conducted site visits and finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Zoning Code.

Staff finds PUD-333-B to be:

- 1) In harmony with the existing development patterns and expected development of surrounding areas as defined in the City of Tulsa Comprehensive Plan;
- 2) A unified treatment of the development possibilities of the site and the original PUD; and;
- 3) Consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-333-B as outlined in the Staff Summary above.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-333-B per staff recommendation.

Legal Description for PUD-333-B:

A TRACT OF LAND THAT IS ALL OF LOT ONE (1), BLOCK ONE (1), UNION BANK ADDITION, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP NINETEEN (19) NORTH,

RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY LINE OF THE NW/4 SW/4 OF SECTION 32, SAID POINT BEING SOUTH 88°40'33" WEST A DISTANCE OF 50.00 FEET FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, UNION BANK ADDITION; THENCE NORTH 01°14'45" WEST ALONG SAID WESTERLY LINE FOR 272.00 FEET; THENCE NORTH 89°28'41" EAST FOR 190.00 FEET; THENCE SOUTH 01°15'11" EAST FOR 148.34 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, UNION BANK ADDITION; THENCE NORTH 88°40'33" EAST ALONG SAID NORTHERLY LINE FOR 110.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01°14'45" EAST ALONG THE EASTERLY LINE OF SAID LOT 1 FOR 121.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 88°40'33" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1 AND A WESTERLY EXTENSION THEREOF FOR 300.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

* * * * *

OTHER BUSINESS

16. Commissioners' Comments

Mr. Perkins stated that part of being in the public light and doing public service he needs to tell everyone exactly what is happening. Mr. Perkins explained that while leaving a Jenks fundraiser about two months ago he and his wife were hit head-on by a drunk-driver that had no insurance and no driver's license. The driver went to jail and there was a witness to that. Mr. Perkins further explained that he was cited for a possible DUI and he is going to address that head-on. Mr. Perkins stated that if anyone has any questions he would like to take it and address it.

* * * * *

TMAPC Action; 9 members present:

On **MOTION** of **PERKINS**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, g, Walker "aye"; no "nays"; none "abstaining"; Leighty, Stirling "absent") to **ADJOURN** TMAPC meeting No. 2647.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:32 p.m.

Date Approved:

4-17-13

Joshua G. Walker
Chairman

ATTEST:

Michael L. Jones Jr.
Secretary