

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2649

Wednesday, May 1, 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>
Covey		Bates	Tohlen, COT
Carnes		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	
Edwards		Miller	
Leighty		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 25, 2013 at 3:41 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

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

Ms. Miller reported on the BOCC and City Council agendas. Ms. Miller further reported on the upcoming Planning Commission training session that is tentatively scheduled for June 7, 2013 and requested the Planning Commissioners to save that date.

Ms. Miller reported on the small area plans and cited the dates for work sessions and public hearings.

Ms. Miller introduced Mr. Kirk Bishop, Duncan and Associates, consultant for updating the Tulsa Zoning Code.

**Zoning Code Update Report:**

Mr. Bishop reported on the updates for the Zoning Code and answered questions from the Planning Commission.

\* \* \* \* \*

**Minutes:**

**Approval of the minutes of April 17, 2013 Meeting No. 2648**

On **MOTION** of **SHIVEL** the TMAPC voted 10-0-1 (Carnes, Covey, Dix, Edwards, Leighty, Midget Perkins, Shivel, Stirling, Walker “aye”; no “nays”; Liotta “abstaining”; none “absent”) to **APPROVE** the minutes of the meeting of April 17, 2013, Meeting No. 2648.

\* \* \* \* \*

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.

1. **LC-475** (Lot-Combination) (County) – West of the northwest corner of East 186<sup>th</sup> Street South and South Sheridan Road
2. **LS-20596** (Lot-Split) (County) – South of the southwest corner East 141<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue (Related to: LC-480)
3. **LC-480** (Lot-Combination) (County) - South of the southwest corner East 141<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue (Related to: LS-20596)
4. **LC-481** (Lot-Combination) (CD-4) – Southeast corner of East 4<sup>th</sup> Street South and South Elgin Avenue
5. **LC-482** (Lot-Combination) (CD-4) – Southwest corner of West 13<sup>th</sup> Street South and South Denver Avenue
6. **LC-483** (Lot-Combination) (CD-4) – Southwest corner of East 4<sup>th</sup> Street South and South Frankfort Avenue
7. **LS-20599** (Lot-Split) (CD-9) – North of the northwest corner of East 33<sup>rd</sup> Street South and South Florence Place (Related to: LC-484)

8. **LC-484** (Lot-Combination) (CD-9) – North of the northwest corner of East 33<sup>rd</sup> Street South and South Florence Place (Related to:LS-20599)
9. **LS-20600** (Lot-Split) (CD-2) – Southwest corner of West 81<sup>st</sup> Street South and South Yukon Avenue (Related to: LC-485)
10. **LC-485** (Lot-Combination) (CD-2) – West of the southwest corner of West 81<sup>st</sup> Street South and South Yukon Avenue (Related to: LS-20600)
11. **LS-20601** (Lot-Split) (County) – East of the northeast corner of West 39<sup>th</sup> Street South and South 55<sup>th</sup> West Avenue
12. **PUD-792 – Tulsa Engineering and Planning Associates, Inc./Tim Terral**, Location: Southeast corner of North 33<sup>rd</sup> West Avenue at West Edison Street, Requesting a **Detail Site Plan** for a new community building, **CS/PUD-792**, (CD-1)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a new community building in PUD-792.

**PERMITTED USES:**

The following uses are permitted in PUD-792: Those uses permitted by right in Use Unit 5(Community Services)

**DIMENSIONAL REQUIREMENTS:**

The new building shown on the plan is an 8,000 square foot single-story structure and is slightly smaller than the 8400 square foot two-story structure allowed by PUD-792. 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.

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

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

The site does not propose pole lighting; however, the building-mounted lighting does provide site lighting. All wall packs on the building will be directed down and away from the property boundary. Lighting trespass

will occur in the Edison Street right-of-way, but the directional nature of the fixtures are not expected to create a hazard for drivers.

**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 is similar to 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 792. 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 792, 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.)*

13. **PUD-794 – Kinslow, Keith & Todd/Nicole Watts**, Location: Southwest corner of South 85<sup>th</sup> East Avenue and East 21<sup>st</sup> Street, Requesting a **Detail Site Plan** for a new off-street parking lot and walking trail, **RD/PUD-794**, (CD-5)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a new off-street parking lot and walking trail in PUD-794.

**PERMITTED USES:**

The following uses are permitted in PUD-794:

- 1) Those uses permitted by right in Use Unit 10 (PK Parking District)
- 2) Those uses permitted by right in Use Unit 5 (Community Services) as allowed by right in the RD district but limited to the public park shown on the PUD concept plan.

**DIMENSIONAL REQUIREMENTS:**

The parking dimensional requirements, fencing and berm requirements as defined in the Planned Unit Development are accurately provided on the site plan. No modifications of the previously approved PUD guidelines are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

No architectural standards are required for this PUD.

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

The site plan provides the parking spaces allocated in the Planned Unit Development.

**LIGHTING:**

The lighting is directed down and away from adjacent properties in the neighborhood. The photometric plan illustrates no light trespass from the site. The maximum pole height provided in the PUD is 12' which is also the pole height defined on the site plan

**SIGNAGE:**

The site plan illustrates one ground sign in an appropriate location. 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 is similar to the PUD concept drawings and satisfies requirements for landscape islands and green space opportunities.

There is no trash collection or enclosure provided for this project.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Appropriate sidewalk plans have been provided on the site plan connecting the park area to the alley north of the site. A drainage ditch and required berm construction provide pedestrian barriers from the South 85<sup>th</sup> Street side; however, there is adequate access from the parking provided.

**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 794. 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 794, 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 project.

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

14. **AC-120 – Kinslow, Keith & Todd/Nicole Watts**, Location: 3111 East 56<sup>th</sup> Street South, Requesting an Alternative Compliance Landscape Plan for a school renovation, **RS-2**, (CD-9)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for school renovation. The Tulsa Public School System is requesting relief from the irrigation requirement for required trees in the renovation area.

**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 new parking areas in front of the building meet all components of the landscape plan with the exception that they are not irrigated.
- 2) The applicant has provided a landscape plan that exceeds the number of trees required for this construction project. The project only requires 5 trees. The landscape plan provides 10 new trees with hose bib attachments at convenient locations. Existing trees will be preserved or moved to a new location.

**Staff Recommendation:**

The overall landscape concept includes significant additional green space and tree plantings typical for a school environment. Staff is confident that the maintenance of these trees can be provided within the normal grounds maintenance of the public school.

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-120.

Mr. Midget out at 1:55 p.m.

**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, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 2 through 15 per staff recommendation.

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## PUBLIC HEARINGS:

15. **Ameristar** – Preliminary Plat, Location: Northeast corner of East Pine Street and North Mingo Road (0430) (CD-3)

### **STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 90.7 acres.

The following issues were discussed April 18, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL. A trail easement will need to be dedicated at the southeast corner of the plat to tie into the existing trail and per the conceptual drawing of the trail master plan. The trail will need to be a minimum of 14 feet in width and meet with approval of the public works coordinator (Glen Sams) for the trails.
2. **Streets:** Right-of-way on Mingo and Pine appears to have been already dedicated. Please provide reference such as plat # and book/page #. No need to rededicate. Provide additional eight feet right-of-way on Pine at the intersection of Pine and North Mingo for a distance of 388 feet from section line. Provide 30-foot radius at the intersection of Pine and Mingo. Show sidewalks along Pine and Mingo. The platted access points do not follow the existing drives consistently. Review the access plan and remove any platted access that does not match an existing drive or where the existing drive is not being utilized. The number of drives serving the site appears excessive. Some do not appear to be used or serve the same purpose as a nearby drive. Review driveways and comments for plat and revise plan accordingly.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Old existing utility easements will be vacated. Underlying plat will be vacated.
7. **Other: Fire:** Provide fire hydrants on new water main extension. A Code Compliance Plan should be processed.

**GIS:** Provide a north arrow for the location map. Under basis of bearings change the bearing to read in degrees, minutes and seconds. On the face of the plat at the tie from the southeast corner of SW/4 Section 30 show a distance and bearing leading to the corner of the plat. Label adjacent subdivision Wolf Point Industrial Parkway West on the face of the plat. Add



a leading zero to all single digit degree descriptions on the face of the plat to match what is shown in the legal description. Submit a subdivision control data form.

**AIRPORT:** An air study and avigation easement and language are needed for the plat.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Ameristar per staff recommendation, subject to special conditions and standard conditions.

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16. **Sheridan Crossing Phase 1 – Preliminary Plat**, Location: Northeast corner of East 86<sup>th</sup> Street and North Sheridan Road (1323) (County)

**STAFF RECOMMENDATION:**

This plat consists of 44 lots, four blocks, on 38.82 acres.

The following issues were discussed April 18, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RE (pending). A greenbelt near the arterial streets was suggested.
2. **Streets:** Call out right-of-way as "dedicated by this plat" or provide reference such as plat #, book/page #. Include section on sidewalks. Show sidewalks and access ramps. The County Engineer needs 50-foot right-of-way dedication along Sheridan and right-of-way for a turn lane along 86<sup>th</sup> Street.

3. **Sewer:** Aerobic systems will be used.
4. **Water:** Rural Water District # 3, Washington County, will service water.
5. **Storm Drainage:** The County Engineer needs additional hydrology reports and drainage information for the site. A conceptual plan for the whole area needs to be shown for drainage and detention.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** A release letter will be needed from the Owasso Fire Department.

**GIS:** Provide the e-mail address for the Surveyor and Engineer. Correct spelling, and provide basis of bearing for legal description.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.

17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Sheridan Crossing Phase 1 per staff recommendation, subject to special conditions and standard conditions.

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17. **BOA – 21544** – Plat Waiver, Location: 4955 South Memorial Drive, (9325)  
(CD-5)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by Special Exception for an event center for a three-year time period.

**Staff provides the following information from TAC for their April 18, 2013 meeting:**

**ZONING:** TMAPC Staff: The applicant is leasing the property for a three-year period and was approved for a Special Exception through the Board of Adjustment.

**STREETS:** Provide sidewalks along Memorial.

**SEWER:** No comments.

**WATER:** No comments.

**STORMWATER:** No comments.

**FIRE:** No comments.

**UTILITIES:** No comments.

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

**Applicant's Comments:**

**Jennifer Andres**, 11063-D South Memorial Drive, #529, 74133, stated that she is the owner of the business and due to some remodeling and certificate of occupancy issues she had to file with the Board of Adjustment, which triggered the platting process. She requested that the sidewalk requirement be waived at this time.



**Bob Parker**, 3114 East 81<sup>st</sup> Street, 74137, property manager of the subject property, stated that the sidewalk would be for 80' of frontage and it would be a sidewalk to nowhere. Mr. Parker requested that the sidewalk be waived.

Mr. Midget in at 2:04 p.m.

**TMAPC COMMENTS:**

In response to the Planning Commission Ms. Fernandez stated that this is the first she has heard of a request to waive the sidewalk. Staff would recommend that the sidewalk be provided.

Mr. Leighty indicated that he would be opposed to waiving the sidewalk. He understands that the sidewalk wouldn't connect to another sidewalk, but they have to start somewhere.

Mr. Leighty moved to approve the plat waiver subject to the sidewalk being provided. Mr. Dix seconded the motion.

Mr. Carnes stated that he would be opposed to requiring the sidewalk.

Mr. Perkins stated that he doesn't believe forcing 80 feet of sidewalk is the starting point for requiring sidewalks in the subject area. Perhaps when there is a street improvement is the opportunity to force the issue.

**TMAPC Action; 11 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **4-7-0** (Dix, Leighty, Liotta, Stirling "aye"; Carnes, Covey, Edwards, Midget, Perkins, Shivel, Walker "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for BOA-21544 per staff recommendation, subject to sidewalk being provided along Memorial Drive.

MOTION FAILED.

**TMAPC Action; 11 members present:**

On **MOTION** of **COVEY**, TMAPC voted **9-2-0** (Carnes, Covey, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Dix, Leighty "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for BOA-21544 per staff recommendation, excluding the requirement for the sidewalk along Memorial Drive.

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18. **Z-7225 – Sisemore Weisz & Associates, Inc./Darin Akerman** –  
Location: North of the northeast corner of East 91<sup>st</sup> Street and South Yale Avenue, Requesting rezoning from **RS-3/PUD-269-B to OL/PUD-269-C**, (CD-8)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 19995 dated January 4, 2001, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Subject Property:**

**Z-6791/PUD-269-B January 2001:** All concurred in approval of a request for rezoning a tract of land from RS-3 to OL and a proposed Major Amendment to a Planned Unit Development to add a 30,000 square foot/3-story office building on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**PUD-269-A September 1982:** All concurred in approval of a Major Amendment to PUD to reduce the number of office buildings allowed on property; increasing the height of buildings from two story to five stories and increasing the open space from approximately 58% to 65% which would allow for a park-like setting for the building, on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**Z-5633/PUD-269 November 1981:** All concurred in approval of a request to rezone a tract of land from RS-3 to OL/PUD and a proposed Planned Unit Development for office use subject to reducing the amount of OL zoning allowed to approximately 279.4 feet by 880.7 feet along South Yale Avenue with the balance of the tract remaining RS-3, on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**Surrounding Property:**

**PUD-747-A July 2009:** All concurred in approval of a Major Amendment to PUD on a 6.5± acre tract of land to add property to the PUD and establish new standards for Development Areas B on property located north of northeast corner of East 91<sup>st</sup> Street and South Yale Avenue.

**PUD-747 February 2008:** All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for office and commercial use on property located north of the northeast corner of East 91<sup>st</sup> Street and South Yale Avenue and a part of the subject property. The City Council approved it per conditions that the trees to be located along the east lot line they shall be of such type, size and number of trees as agreed to between the developer and the representative for the abutting property owners, who is designated as Mr. Logan Jones. The agreement will be submitted to the City Council Secretary and signed by both parties.

Any amendment to the type, size and number of trees along the east lot line shall be considered a major amendment to be approved by the City Council.

**Z-6878 December 2002:** All concurred in approval for a request to rezone a 200' x 330' tract of land from RS-3/OL to OL for office use located north of the northwest corner of East 89<sup>th</sup> Street South and South Yale Avenue.

**PUD-355-C June 2001:** All concurred in approval of a proposed Major Amendment to PUD on a 10± acre tract of land to add property to Development Area B, for office use, on property located northwest corner of East 91<sup>st</sup> Street South and South Yale Avenue.

**PUD-355-B August 2000:** All concurred in approval of a request for a Major Amendment to the PUD to establish new Development Areas, decrease the landscaped areas, increase the access points and increase the maximum building floor area on property located west of the northwest corner of East 91<sup>st</sup> Street and South Yale.

**Z-6765 June 2000:** All concurred in approval of a request to rezone a .5± acre tract from RS-3 to OL for office use, on property located south of the southwest corner of East 87<sup>th</sup> Place South and South Yale Avenue.

**PUD-355-A December 1999:** All concurred in approval of a proposed Major Amendment to add uses permitted by right in a CS district to the east 195' of the south 299' of Phase II tract of the original PUD property and which consisted of five acres west of the northwest corner of East 91<sup>st</sup> Street and South Yale. The request was to also delete the commercial uses previously approved for the remainder of Phase II.

**Z-6715 October 1999:** All concurred in approval of a request to rezone a 135' x 305' tract of land from RS-3 to OL, located on the northwest corner of East 89<sup>th</sup> Street South and South Yale Avenue.

**Z-6684 March 1999:** All concurred in approval of a request to rezone a tract of land from RS-3 to OL for office use, located north of the northwest corner of East 89<sup>th</sup> Street and South Yale Avenue.

**PUD-354 May 1984:** All concurred in approval of a proposed Planned Unit Development on a 14.45± acre tract of land for single-family subdivision with private streets, on property located east of northeast corner of East 91<sup>st</sup> Street South and Yale Avenue and abutting subject property to the east.

**Z-5929/PUD-355 March 1984:** A request was filed to rezone a tract of land from RD, RS-3, and CS to OM for an office park development. The tract consisted of four separate lots, and to avoid nonresidential zoning on the property abutting the residential uses on the north and west, staff recommended OL zoning on the lot in the northeast corner and OL zoning on the lot along the north boundary. Both tracts would provide an OL buffer to the residential uses. All concurred in denial of the rezoning on the remainder of the property and approval of the request for a proposed PUD to build an office park within the RS-3, OL, OM and CS underlying zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is a 4.47 acre tract and is part of a larger 12<sup>±</sup> acre Planned Unit Development (PUD 269-B). The site is developed as the world headquarters for the Society of Exploration Geophysics and was originally constructed in 1982. An existing multi story office building and surface parking is on the site along with a large natural green area north of the entrance road and a detention facility on the west side of the building.

**SURROUNDING AREA:** The subject tract is abutted on the east by single family residential property, zoned RM-1/PUD-354; on the north by single family residential property, zoned RS-3; on the south by recently developed mixed use commercial property, zoned CS and PUD 747; and on the west across South Yale Avenue an office area, zoned OL.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates South Yale Avenue as a multi modal primary arterial street. The street is not currently constructed to meet the standards outlined in the Comprehensive Plan.

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>
South Yale Avenue	Primary Arterial	120 feet	2 north frontage 4+ south frontage

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Land Use Map:

The zoning request is part of a Neighborhood Center defined in the Tulsa Comprehensive Plan. The vision for the Neighborhood Center is outlined as follows:

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

*Staff Comment: The Tulsa Comprehensive Plan does not accurately represent the existing character of this area regarding several office style buildings on both sides of South Yale Avenue. The proposed re-zoning is in conjunction with a Planned Unit Development and can only be supported in that context. The existing site was approved in a Planned Unit Development in 1982 and has been a good example of a suburban office park development.*

*This portion of the Neighborhood Center should be evaluated as one the yearly maintenance updates of the Tulsa Comprehensive Plan.*

Growth and Stability Map:

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 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: This re-zoning request creates an employment opportunity and will continue to channel growth to this area.*

**STAFF RECOMMENDATION:**

This zoning request for OL (Light office) is appropriate as a base zoning designation for the Society of Exploration Geophysics expansion project (reference PUD 269-B). Standard bulk and area requirements for this zoning would not provide sufficient protection buffering for the surrounding neighborhood.

Staff finds that the uses and intensities of the proposed rezoning request from RS-3 to OL can only be an acceptable zoning pattern in this neighborhood with a Planned Unit Development overlay. In conjunction with the Planned Unit Development overlay staff finds that this zoning request is:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Not Consistent with the City of Tulsa Comprehensive Plan. However, in this instance the Tulsa Comprehensive Plan does not appear to consider the existing conditions of several multi story properties in this area. Staff will consider modifying the Tulsa Comprehensive Plan as part of the yearly maintenance of the plan; and
- 3) In harmony with the existing site development and the expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3 to OL.

**Z-7225 Related to PUD-269-C:**

19. **PUD-269-C – Sisemore Weisz & Associates, Inc./Darin Akerman** – Location: North of the northeast corner of East 91<sup>st</sup> Street and South Yale Avenue, Requesting a **Major Amendment** construction of a four-story office building near the center of the site, parking garage and site improvements, **OL/RS-3/PUD-269-B to OL/PUD-269-C**, (CD-8)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 19995 dated January 4, 2001, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Subject Property:**

**Z-6791/PUD-269-B January 2001:** All concurred in approval of a request for rezoning a tract of land from RS-3 to OL and a proposed Major Amendment to a Planned Unit Development to add a 30,000 square foot/3-story office building on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**PUD-269-A September 1982:** All concurred in approval of a Major Amendment to PUD to reduce the number of office buildings allowed on property; increasing the height of buildings from two story to five stories and increasing the open space from approximately 58% to 65% which would allow for a park-like setting for the building, on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**Z-5633/PUD-269 November 1981:** All concurred in approval of a request to rezone a tract of land from RS-3 to OL/PUD and a proposed Planned Unit Development for office use subject to reducing the amount of OL zoning allowed to approximately 279.4 feet by 880.7 feet along South Yale Avenue with the balance of the tract remaining RS-3, on property located north and east of East 89<sup>th</sup> Street South and South Yale Avenue.

**Surrounding Property:**

**PUD-747-A July 2009:** All concurred in approval of a Major Amendment to PUD on a 6.5± acre tract of land to add property to the PUD and establish new standards for Development Areas B on property located north of northeast corner of East 91<sup>st</sup> Street and South Yale Avenue.

**PUD-747 February 2008:** All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for office and commercial use on property located north of the northeast corner of East 91<sup>st</sup> Street and South Yale Avenue and a part of the subject property. The City Council approved it per conditions that the trees to be located along the east lot line they shall be of such type, size and number of trees as agreed to between the developer and the representative for the abutting property owners, who is designated as Mr. Logan Jones. The agreement

will be submitted to the City Council Secretary and signed by both parties. Any amendment to the type, size and number of trees along the east lot line shall be considered a major amendment to be approved by the City Council.

**Z-6878 December 2002:** All concurred in approval for a request to rezone a 200' x 330' tract of land from RS-3/OL to OL for office use located north of the northwest corner of East 89<sup>th</sup> Street South and South Yale Avenue.

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**PUD-355-B August 2000:** All concurred in approval of a request for a Major Amendment to the PUD to establish new Development Areas, decrease the landscaped areas, increase the access points and increase the maximum building floor area on property located west of the northwest corner of East 91<sup>st</sup> Street and South Yale.

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**Z-5929/PUD-355 March 1984:** A request was filed to rezone a tract of land from RD, RS-3, and CS to OM for an office park development. The tract consisted of four separate lots, and to avoid nonresidential zoning on the property abutting the residential uses on the north and west, staff recommended OL zoning on the lot in the northeast corner and OL zoning on the lot along the north boundary. Both tracts would provide an OL buffer to the residential uses. All concurred in denial of the rezoning on the remainder of the property and approval of the request for a proposed PUD to build an office park within the RS-3, OL, OM and CS underlying zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is an existing 12+ acre Planned Unit Development (PUD 269-B). The site is developed as the world headquarters for the Society of Exploration Geophysics and was originally constructed in 1982. An existing five story office building and surface parking is on the site and surrounded by large natural green area north of the entrance road and west of the existing detention pond.

**SURROUNDING AREA:** The subject tract is abutted on the east by single-family residential property, zoned RM-1/PUD-354; on the north by single-family residential property, zoned RS-3; on the south by recently developed mixed use commercial property, zoned CS and PUD 747; and on the west across South Yale Avenue an office area, zoned OL.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates South Yale Avenue as a multi modal primary arterial street. The street is not currently constructed to meet the standards outlined in the Comprehensive Plan.

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>
South Yale Avenue	Primary Arterial	120 feet	2 north frontage 4+ south frontage

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Land Use Map:*

The zoning request is part of a Neighborhood Center defined in the Tulsa Comprehensive Plan. The vision for the Neighborhood Center is outlined as follows:

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

*Staff Comment: The Tulsa Comprehensive Plan does not accurately represent the existing character of this area regarding several office style buildings on both sides of South Yale Avenue. The PUD and can be supported in context with the existing development pattern of the area and of this site.*

*The existing site was approved as a Planned Unit Development in 1982 and has been a good example of a suburban office park development a significant landscape buffer was part of the original design and continues to be a strong vision of the new expansion.*

*This area of the Tulsa Comprehensive Plan specifically this Neighborhood Center should be evaluated as one the items in the yearly maintenance updates.*

*Growth and Stability Map:*

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 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: This Planned Unit Development request creates an employment opportunity and will continue to channel growth to this area.*

**PUD STAFF SUMMARY:**

**CONCEPT STATEMENT:**

Geophysical Resource Center is an office park developed by the Society of Exploration Geophysicists (SEG) and used primarily for its international offices. Additional professional organizations also use this space. The existing facility is set in a park-like setting which is north of the northeast corner of East 91<sup>st</sup> Street South and South Yale Ave. in Tulsa. Currently, the Center is zoned RS-3 / OL and PUD 269-B. Accompanying this Application is a Rezoning request to change the zoning classification for the entire office park to OL.

The existing five-story office building contains approximately 97,071 square feet of office space. The PUD currently permits the construction of an additional three-story office building consisting of 35,200 square feet, with substantial setbacks from the residential neighbors to the north and the east. The existing landscaping requirement is substantial at 55%.

The area of 91<sup>st</sup> Street South and Yale Ave. has undergone extensive development in recent years. The commercial corner has almost entirely developed. Yale Ave. has been improved at the intersection and is now planned for improvement along its entire length from 81<sup>st</sup> Street South to 91<sup>st</sup> Street South. Office development has also occurred west of the Center, on the opposite side of Yale Ave.

SEG has outgrown the existing building and is planning for future growth. This plan includes the construction of a first class, four story office building near the center of site with approximately 85,000 square feet of office space. This location is lower in elevation from the residential neighbors to the north and substantially concealed by the large, mature trees located

throughout the northerly portion of the site. The setbacks from the neighborhoods to the north and the east will be preserved as will all of the trees and associated landscaping in the area north of the entrance road.

Vehicular circulation will be modified with the main, circular drive being relocated to provide access to Yale Ave. where a planned median cut will allow southbound left turn access. A second access to Yale Ave. will also be provided near the southwest corner of the site.

The need for a large area of surface parking will be limited with the proposed construction of a low profile structured parking facility. Sensitivity to the retention of the park-like environment and a large landscaping requirement of 45% will result in a beautiful, new addition to this part of Tulsa.

**LAND AREA SUMMARY:**

Land area (Gross): 11.967 Acres (521,310 SF)

Land area (Net): 11.152 Acres (485,797 SF)

**DEVELOPMENT STANDARDS:**

**PERMITTED USES:**

Principle and Accessory Uses permitted as a matter of right in the OL district except that the following uses are prohibited:

Use Unit 6 Single Family Dwelling,

Use Unit 7 Duplex Dwelling and

Use unit 7a Townhouse Dwellings

Use Unit 10 Off-Street Parking is not allowed).

**MAXIMUM BUILDING FLOOR AREA:**

Existing Office Building:

98,453 Square Feet (per previous PUD approval)

Proposed Office Building: 85,000 Square Feet

Total Office Floor Area Allowed 183,453 Square Feet

**MAXIMUM BUILDING HEIGHTS:**

Existing Office Building: Five stories

Proposed Office Building:

Four stories (The maximum building height shall not exceed the existing five story structure). All rooftop mechanical systems shall be screened from view so that the neighborhood north of this project cannot see the mechanical systems from second story

windows. The screening and mechanical systems shall be below the height of the existing five story building.

Proposed Structured Parking:

Three stories (The maximum structure height shall be below the top of the four story proposed office building.

**MINIMUM BUILDING SETBACKS:**

From west line of Lot-1 Block-1 Geophysical Resource Center: 50 feet  
(West line of section 15, Township 18 North, Range 13 East): 110 feet  
From northerly boundary limits of PUD: 150 feet  
From southerly boundary limits of PUD: 60 feet  
From easterly boundary limits of PUD: 200 feet

**MINIMUM OPEN SPACE:** 45% of net lot area

**OFF-STREET PARKING:**

Vehicular Parking: Minimum of 406 stalls total (256 existing + min. 150 new)

Bicycle Storage: Provisions will be made for at least one bicycle rack providing secure storage for 6 bicycles near the proposed new building.

**SIGNAGE:**

Business signs as may be permitted in an OL district provided that the maximum display surface area (only one side of a double-faced sign to be included in the computation) shall be limited to a total of 118.37 square feet.

The number of business signs along Yale Ave. frontage shall be limited to two and shall be limited to 12 foot height.

Sign lighting must be by constant light.

No wall signs shall be permitted on the north or east facing walls of any building.

**LIGHTING:**

Additional exterior lighting or building-mounted lights shall not exceed 30' in height and shall be hooded and directed downward and away from the east and north boundaries of the PUD. Within 100' from the north and east boundaries, proposed new lighting shall not exceed ten feet in height and there shall be no lighting within the north 50' of the planned unit development. (Note: Existing lighting on the site may exceed this height limitation, the

detailed site plan shall illustrate the existing lighting that may remain in place and show proposed lighting conforming to height limitations.

A photometric plan shall be provided as part of the site plan illustrating that no light trespass extends beyond the property line in any direction. Modifications to existing light fixtures may be required to meet this requirement.

**LANDSCAPE AND SCREENING:**

Landscaping shall meet or exceed the minimum standards of the Landscape Chapter of the Tulsa zoning Code except that one tree shall be provided in the street yard area for each 750 square feet of street yard. Existing trees may be counted on a one to one ratio additional consideration for the size of the existing tree.

The wooded green space between the north property line and the north entrance road as illustrated on the Conceptual Plan is a significant component of the PUD 269-C. The buffer is a significant transition between the office use and residential properties north of this site and shall remain in place. The existing trees or any newly planted trees in this area cannot be used as part of the calculations for required trees in parking areas.

Screening of trash enclosures and loading docks shall be masonry construction complimentary to the building design with a minimum height of 6'.

**PEDESTRIAN ACCESS:**

A hard surface pedestrian access shall be provided from the South Yale sidewalk to the main building entrances.

**STAFF RECOMMENDATION:**

Staff finds that the uses and intensities of the proposed Planned Unit Development are:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Not Consistent with the City of Tulsa Comprehensive Plan. However, in this instance the Tulsa Comprehensive Plan does not appear to consider the existing conditions of several multi story properties in this area. Staff will consider modifying the comprehensive plan as part of the yearly maintenance of the plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of PUD 269-C as outlined in the staff summary above and attached Exhibits A, B and C as provided by the applicant.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Wilkerson if staff has received any general opposition regarding this application. Mr. Wilkerson stated that he has received a few phone calls and a petition (Exhibit "A-1").

**Applicant's Comments:**

**Kevin Coutant**, 2 West 2<sup>nd</sup> Street, Suite 700, 74103, representing the Society of Exploration Geophysicists, stated that this is an International Association of Professionals involved in primarily education, conferences and understanding geophysics and the geosciences. The organization is quiet and a terrific corporate citizen.

Mr. Coutant cited the boundaries of the subject properties and the existing zoning. Mr. Coutant submitted presentation materials (Exhibit "A-2"). Mr. Coutant cited the setbacks and the proposed areas for parking. The 220 feet of the northerly property is zoned residential and he is requesting it be rezoned to OL in order to reach the square footage computation to build the proposed structure in the major amendment.

Mr. Coutant cited the meetings with the neighbors and staff. Mr. Coutant stated that the property owners wanted to assure everyone that the character of the subject property would be preserved and have a campus-like environment.

Mr. Coutant stated that what has been submitted and requested is the OL zoning and a development that is reflected by the conceptual plan as seen on page 8 of Exhibit "A-2".

Mr. Coutant stated that the neighbors along the north boundary are concerned about the view and preservation of the subject property. The proposed building is a slightly taller building and a bigger building. The proposed building provides the parking necessary and is a quality asset to the community. The landscaping to the north is not being disturbed and there will be substantial landscaping involved in the new development.

Mr. Coutant indicated that his client agrees with the staff recommendation and there has been good attention to the development standards.

**TMAPC COMMENTS:**

Mr. Walker stated that 85,000 square feet is fairly aggressive in our market. Mr. Walker asked if the Society of Exploration Geophysicists occupy the entire building or will it have multi-tenant building. Mr. Coutant

stated that it would be a multi-tenant building. The Society will be moving out of the existing tower and into the new tower in a bigger space and there will be space available in the existing building and the new building for lease. Mr. Coutant further stated that a lot of attention has been paid to the market and whether there is an opportunity to find tenants.

In response to Mr. Midget, Mr. Coutant stated that there is a certain amount of surface parking. Mr. Coutant explained that the location of the surface parking has been discussed with INCOG and during detail site plan it will be reviewed along with landscape review.

In response to Mr. Dix, Mr. Coutant stated that he understands that sidewalks will be required and they will be installed. Mr. Coutant further stated that it is something that will get finalized during the detail site plan and platting process. Mr. Wilkerson stated that this will require a replatting for the entire project and sidewalks are required during the platting process.

In response to Mr. Leighty, Mr. Coutant stated that pedestrian circulation and sidewalks connecting the buildings has been discussed. The reality right now is that the pedestrian activity is extensive in a park-like sense, meaning that pedestrians enjoy walking down to the edge of the pond looking at the ducks, etc. Mr. Coutant stated that there has been some discussion, but not there yet. Mr. Leighty stated that with a large project like this there should be pedestrian connectivity between the two structures and not force pedestrians into the street. Mr. Coutant stated that this would be addressed during the site plan process.

#### **INTERESTED PARTIES COMMENTS:**

**Jim Lowell**, 5127 East 86<sup>th</sup> Place, 74137, stated that he attended the planning meeting and he was informed that the PUD and the zoning was a done deal. He was further informed that they would enlarge the building and the zoning was already provided for. Mr. Lowell stated that several weeks later he received a notice and that they requesting to rezone a portion from residential to light office. Mr. Lowell commented that the Society is not outgrowing the existing building and currently lease it out to other businesses. Mr. Lowell cited the history of the PUD. Mr. Lowell indicated that he was opposed to the intensity of this application and fears it will change the character of the subject area. Mr. Lowell commented that the proposal is not the original intent of the PUD. Mr. Lowell stated that when one purchases their property they have the right to rely on the zoning when it is purchased. The proposal is nowhere near what an OL density should be.



Mr. Midget asked if he would be more receptive to a portion being zoned OL and leaving the property just north of the road remain RS to provide the abutting residences some comfort. Mr. Lowell stated that he would still oppose the proposal.

**Paul Gallahar**, 4922 East 88<sup>th</sup> Place, 74137, submitted a petition (Exhibit A-1), stated that if the proposed building is allowed he will be looking out his back window looking at the building and the sky will disappear. Mr. Gallahar submitted photographs (Exhibit A-3). Mr. Gallahar expressed concerns about the proximity of the proposed building and his home. Mr. Gallahar stated that he has been informed by real estate agents that the proposal will have a negative impact on his property value. Mr. Gallahar indicated that he is opposed to this application.

**Kay Gallahar**, 4922 East 88<sup>th</sup> Place, 74137, stated that the current PUD is preferable. Ms. Gallahar indicated that she opposes the proposal.

**David Parrack**, 4946 East 88<sup>th</sup> Place, 74137, stated that the proposed project doesn't fit into the neighborhood in the subject area. The parking garage will change the whole aspect of what the subject property looks like. Mr. Parrack indicated his opposes this application.

**James Lind**, CEO of Legion Energy Services, 8801 South Yale Avenue, Suite 100, 74137, stated that his offices are located on the subject property. He explained that he has been a tenant of the existing building for nine years and they have been an outstanding owner. Mr. Lind expressed concerns about the park-like view and wildlife. Mr. Lind submitted photographs of a typical family enjoying the park (Exhibit A-3). Mr. Lind stated that it is a park and nothing but a park with three ponds and wildlife. Mr. Lind further stated that the subject area is already congested with traffic and the subject lot has a single lane of entry and exit.

Mr. Lind stated that the park is the reason he chose the subject location for his office. The park serves as a meeting place and is frequently used for tranquil reflection. He has seen over the years, weddings, prom photographs, frequent use of children in attendance and is an area that has a lot of appeal and shouldn't be ignored.

Mr. Lind indicated that he attended the neighborhood meeting and questions were made regarding the wildlife. He stated that the developers answer was that the wildlife will adapt. Mr. Lind further stated that he can see Red-Shouldered Hawks that live in the tree right next to his office and they are protected species. Mr. Lind cited the wildlife he has seen on the subject property and the nests for the geese.

Mr. Leighty stated that he wanted to make a point. Mr. Lind keeps referring to the subject property as a park and it is private property that belongs to the developers and owners of the property. One may get the use of it by being a tenant, but don't be confused that this is a public park where everyone is welcomed to come and utilize. Mr. Lind stated that it is true that it is for the enjoyment of the tenants and their guests.

**Applicant's Rebuttal:**

Mr. Coutant stated that the existing building is 100% leased, but not necessarily possessed. The need for additional space is as described earlier. Mr. Coutant further stated that this was not represented as a done deal and he hopes that the Planning Commission understands that there is some confusion on that.

Mr. Coutant stated that there were some comments about the change over time and there have been changes throughout the years. There have been 30 years of history on the subject PUD. The character of 91<sup>st</sup> and Yale has changed over the past 30 years. The applications have modified over the time and this is an ultimate development plan and can't imagine whatever else would go on here other than this type of use. Mr. Coutant stated that the inference was that his client should have known 30 years ago what ultimate development was going to look like in 2013 and he doesn't believe that is valid. Mr. Coutant requested that the Planning Commission consider the setbacks and merits of the application when deciding on this application. Mr. Coutant stated that the entry floor on part of the subject building will be below grade and the total eight will be diminished in comparison to the properties to the north. The same is true of the parking garage in the southwest corner.

Mr. Leighty requested Mr. Coutant to restate the purpose why the rezoning is being done. Mr. Coutant stated that the sole reason for the rezoning request for OL is the bulk and area requirement for the floor area ratio. Mr. Coutant further stated that his client doesn't need to go with OL all the way to the northern property line to have sufficient square footage to build this building. Mr. Coutant stated that there is 60 to 70 feet that wouldn't be needed. Mr. Coutant explained that there will be engineering done and the property will be replatted as one lot, one block.

Mr. Coutant stated that the subject property is a beautiful spot and he understands why people refer to it as a park. Mr. Coutant further stated that he appreciates the comments about it not being a public park. SEG has not conducted this as a private domain and the neighbors have been able to enjoy it. The subject property was intended for a long time to be more fully developed and with the requirements of the PUD and commitments of SEG it will be more intense, but the character is something that is beautiful and attractive and will be preserved.

Mr. Leighty asked Mr. Coutant to address the comment that the subject proposal shouldn't be in the OL but should be in the OM district. Mr. Coutant stated that within the application for the zoning it is fully within the density requirements of the OL district within a PUD. Mr. Coutant further stated that this is not an OL project that could be right up against the property line with 15 feet of landscaping, this is something significantly better.

**TMAPC COMMENTS:**

Mr. Liotta stated that the Planning Commission has seen many developments like this in areas similar to the subject property. Mr. Liotta further stated that from his memory they are not nearly as accommodating in terms of setbacks from the neighbors and height consideration, etc. Usually the Planning Commission sends an applicant back to bring a plan that looks more like the proposed plan submitted today. Mr. Liotta commended Mr. Coutant and stated that he plans to support the application.

Mr. Perkins stated that his family had a hand in doing the development at Southern Pointe IV and this area would have developed significantly different if this PUD was allowed as intense as they are asking for right now. Mr. Perkins further stated that he believes that the applicant tried hard to make this a great application, but the intensity is too great and the impact would be too great on the existing property owners. Mr. Perkins indicated that he would not be voting on this application.

Mr. Dix stated that he would echo Mr. Liotta's comments. The Planning Commission has seen some apartment projects that have been half the distance that these buildings will be with car parking. This application is taking those issues into consideration and there are no kids or bicycles screaming in the parking lots and this is about the most innocuous of use one can imagine to have next to a nice housing development. Mr. Dix further stated that things change over the years and costs from 1982 have gone up dramatically so the concept of what it takes to make a profit has changed. Mr. Dix indicated that he would be supporting this application.

Mr. Carnes stated that he has always gone along with what zoning was in place first and that zoning was single-family and OL before most of these houses were built. That is the zoning that the neighbors saw and relied on when purchasing their homes. Mr. Carnes further stated that he doesn't think two high-rises is OL zoning and the intensity is too high. Mr. Carnes indicated that he could not support this application.

Mr. Leighty stated that he would support this application. Mr. Leighty commented that he has been a residential realtor for 25 years and has sold property on 88<sup>th</sup> Place. Mr. Leighty stated that he doesn't believe that there will be a loss of property values in the subject area. Mr. Leighty commented on the existing property and the beauty of the site. Mr. Leighty stated that when one purchases a piece of property by land that is not fully developed, then one has to know that things are going to change. The subject area has significantly changed and grown over the past 30 years. Mr. Leighty commented that this project makes sense and he believes it will be well done. Mr. Leighty stated that he doesn't believe that this development will adversely affect the neighborhood.

Mr. Shivel stated that he visited the site and he would echo Mr. Leighty's comments. Mr. Shivel stated that he trusts staff and the work that they do for the TMAPC and with his opportunity to view the subject property he will support this application.

Mr. Walker recognized Mr. Gallahar. Mr. Gallahar stated that the neighborhood submitted a petition in excess of 20% of the people within 300 feet of the subject property. Mr. Gallahar stated that it is his understanding that in presenting this petition that this decision then goes to the City Council for their vote rather than just a vote by the Planning Commission.

Mr. Perkins stated that he has one more comment. The people who did buy in Southern Trails Estates did buy into what that they backed up to, which was an existing PUD that had certain bulk and area requirements. Mr. Perkins further stated that he knows that these property owners always have that opportunity to develop this site per those bulk and area requirements. Mr. Perkins commented that the Planning Commission doesn't have to increase those densities for their profit and we need to make sure we protect the people who purchased with open-eyes on what they backed up to.

Mr. Leighty addressed Mr. Perkins and stated that he has a little bit of a problem because Mr. Perkins has a stake in this decision. The fact that it has all been sold out some years ago, but Mr. Perkins started out by stating that his family had an interest in developing the property and so honestly what else would Mr. Perkins say. Mr. Leighty state that it seems to him that this might be something that Mr. Perkins might want to consider recusing himself from. Mr. Leighty concluded that this is personal opinion.

Mr. Perkins stated that Mr. Leighty's comments are duly noted and Mr. Leighty is absolutely wrong.

Mr. Edwards stated that one of the things the Planning Commission get criticism about is one of the things we work real hard at doing, which is to encourage the developers and the builders to participate in neighborhood in which they are building in or close to. Mr. Edwards commented that he doesn't see any more than this developer could have done. They held several meetings, met with residents and it seems that they went above and beyond. These concerns could have been presented to them and let them address those concerns and he believes that this is a group that would have tried to address all of the concerns. The Planning Commission has an excellent staff and they look at the applications extensively. Mr. Edwards stated that as much as he is in favor of residential participation and tend to lean toward residences, he believes what the applicant has done and submitting this proposal and plan couldn't have been done any better. Mr. Edwards indicated that he would be supporting this application.

Mr. Perkins stated that he made a hard and fast statement earlier. Mr. Perkins further stated that he believes Mr. Leighty is wrong, but he would like to defer to Legal and see if they believe that he has a conflict of interest in this application. Mr. Perkins commented that he has no interest in the adjoining property or even within miles of the subject area.

Ms. VanValkenburgh stated that this would really be Mr. Perkins's decision to make regarding whether he has a conflict or not. Mr. Perkins thanked Ms. VanValkenburgh and stated that he has no conflict of interest.

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-2-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; Perkins, Carnes "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of OL zoning for Z-7225 per staff recommendation.

**Legal Description for Z-7225:**

A TRACT OF LAND THAT IS THE NORTH 212.43 FEET OF THE WEST 880.77 FEET OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT THEREOF.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment for PUD-269-C per staff recommendation.

**Legal Description for PUD-269-C:**

LOT 1, BLOCK 1, GEOPHYSICAL RESOURCE CENTER, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Mr. Perkins out at 3:30 p.m.

**OTHER BUSINESS**

**20. TMAPC's Appointee to the River Parks Authority**

Mr. Walker nominated Mr. Cason P. Carter to the River Parks Authority for a three-year term starting April 2013.

**Biography of Cason P. Carter**

Cason Carter serves as Vice President of Public Affairs and Corporate Counsel for Alliance Resource Partners, L.P. Mr. Carter oversees public policy matters and corporate communications for Alliance and represents Alliance through participation in business groups such as the U.S. Chamber of Commerce, the National Mining Association, and the American Coalition for Clean Coal Electricity. In addition to his Public Affairs responsibilities, Mr. Carter advises Alliance management on regulatory and legal compliance and serves as an advisor to Alliance's Political Action Committee. Mr. Carter previously worked as corporate counsel for Alliance's finance and marketing departments, advising on supply agreements, contract legal strategies, and the resolution of disputes. Prior to joining Alliance in 2009, Mr. Carter was an attorney with the law firm of Gable Gotwals where he practiced in the area of business litigation. In addition to practicing law, Mr. Carter served as a City Councilor for the City of Tulsa from 2006 through 2008.

Mr. Carter graduated from Duke University in 2000, with a B.A. in Public Policy and Economics, and from Georgetown University Law Center with a J.D. in 2003.

Mr. Carter serves on the board of directors for the Tulsa Boys Home, the advisory board for the Tulsa Area Salvation Army, the board of directors for the John Hope Franklin Center for Reconciliation, and the administrative board and advisory board for First United Methodist Church in Tulsa. He is also a representative of the Scott Carter Foundation, a non-profit organization that raises funds for children's cancer research.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to recommend to **CONFIRM** the appointment of Cason P. Carter to the River Parks Authority Trust.

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**21. Commissioners' Comments:**

None.

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**TMAPC Action; 10 members present:**

On **MOTION** of **EDWARDS**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **ADJOURN** TMAPC meeting No. 2649.

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**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.

Date Approved:

5-15-13

  
Chairman

ATTEST:

  
Secretary