

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2650

Wednesday, May 15, 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	Edwards	Fernandez	Tohlen, COT
Carnes		Huntsinger	VanValkenburgh, Legal
Dix		Miller	Duke, COT
Leighty		White	Warlick, COT
Liotta		Wilkerson	Warrick, COT
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 9, 2013 at 2:10 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 June 7, 2013 Planning Commission Training Workshop. The workshop will be held in Williams Tower I conference room, from 9:00 a.m. to 12:00 p.m. Ms. Miller encouraged the Planning Commissioners to send any topics they would like to be addressed at the workshop.

Ms. Miller reported on the 6th Street Infill Plan and Form-Based Code updates.

Ms. Miller reported on the West Highland/Tulsa Hills Small Area Plan and indicated that it may be ready for a work session for June 5th.

1. **Minutes:**

Approval of the minutes of May 1, 2013 Meeting No. 2649

On **MOTION** of **SHIVEL** the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget "absent") to **APPROVE** the minutes of the meeting of May 1, 2013, Meeting No. 2649.

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

Mr. Midget in at 1:35 p.m.

CONSENT AGENDA

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

2. **LC-486** (Lot-Combination) (CD-4) – Location: The Southeast corner of East 26th Place South and South Atlanta Place
3. **LC-487** (Lot-Combination) (CD-9) – Location: West of the northwest corner of East 32nd Street South and South Utica Avenue
4. **LS-20605** (Lot-Split) (CD-7) – Location: North of the northeast corner of East 91st Street South and Highway 169
5. **BOA-21563** – Plat Waiver, - Location: 5950 South Garnett Road (CD-7)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Board of Adjustment case to approve seasonal open air sales of pumpkins, corn maze, Christmas trees, produce, and plants/flowers. The plat waiver is contingent on the board approval of this case.

It is the policy of TMAPC to waive the platting requirement for these types of uses. Therefore, staff can recommend **APPROVAL** of the requested plat waiver.

6. **PUD-586-A-12 – Andrew A. Shank**, Location: North of northeast corner of East 91st Street and Highway 169, Requesting a **Minor Amendment** to add digital technology to an existing outdoor advertising sign within the PUD, **CO/PUD-586-A** (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add digital technology to an existing outdoor advertising sign located on the St. Francis Hospital South property at the above referenced location. The sign is adjacent to Highway 169 and is not regulated by the Oklahoma Department of Transportation. The existing sign is a permitted use in this PUD per approval of major amendment PUD-586-A. The south-face of the sign was approved as a digital sign by the TMAPC in March of 2011 by minor amendment, PUD 586-A-11.

This minor amendment is to digitize the north-face of the same sign.

On January 25, 2011 the City of Tulsa Board of Adjustment (BOA), in case number 21211, accepted the 1,200-foot spacing verification from any other digital outdoor advertising sign along the same traveled way as required by Section 1221, G-9 and G-10 of the Zoning Code.

The applicant has provided documentation, attached, that the sign is at least 1200 feet from other outdoor advertising signs. There is an expansive, heavily wooded area between the sign location and the nearest residential structure as shown on the aerial.

With approximately 2,600 lineal feet of freeway frontage and approximately 1,400 feet to the nearest residential development with an intervening heavily wooded area, staff contends the digitization of this existing sign will have little to no impact on the surrounding properties.

All other components of the PUD have been satisfied and the new digital face of the sign is compatible with the surrounding development and anticipated future development in the area.

Staff recommends **APPROVAL** of minor amendment PUD-586-A-12.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

7. **PUD-595-B-6/Z-5970-SP-5f – Michael A. Joyce**, Location: North of the northwest corner of Highway 169 at East 71st Street South, Requesting a **Minor Amendment** to reallocate allowable wall signage on a retail building, **CO/PUD-595-B (CD-7)**

STAFF RECOMMENDATION:

Concept Statement:

The concept is to re-allocate allowable wall signage on a retail building. The original PUD allowed wall signage on all four sides. The requested amendment does not add overall wall signage however defines where the wall signage can be placed and omits wall signs on the west side of the building.

Minor Amendment Summary:

- 1) Inside the existing Planned Unit Development, wall signage allowed for the total building is 824 square feet of display surface area, that quantity will not be modified but allocated as follows:
 - a. Up to 80% (659.20 square feet) of the wall signage may be placed on the east face of the building.
 - b. The remaining signage will be allocated to the East 170 feet of the North and South exterior elevations of the retail building.
 - c. No wall signage will be allowed on the west wall of the building.

Staff Recommendation:

The amendment request is consistent with the spirit and intent of the Planned Unit Development section of the Tulsa Zoning Code.

A minor amendment for this type of request is allowed in the Tulsa Zoning Code in Section 1107.H.12 which states that “Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.”

This request does not alter the quantity of the wall signs allowed but defines the locations of allowable wall signage.

Therefore staff recommends **APPROVAL** of the minor amendment outlined above.

8. **PUD-364 – Crafton Tull/Jason Mohler**, Location: Northeast corner of East 101st Street South at South Mingo Road, Requesting a **Detail Site Plan** for a new convenience store, (CD-7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new convenience store in PUD-364.

PERMITTED USES:

The following uses are permitted in PUD-364-7: Those uses permitted by right in CS excluding Adult Entertainment (Use Unit 12a)

DIMENSIONAL REQUIREMENTS:

The new building shown on the site plan is a 4991 square foot single-story structure and is smaller than the 17,568 square foot structure allowed by PUD-364. 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 project proposes 16' pole lighting on a two foot concrete base and is acceptable in the PUD. The lighting plan illustrates minimal spillage to the street right of way as required by the PUD and the Tulsa Zoning Code.

SIGNAGE:

The site plan illustrates ground sign locations which appear to be inside easements. Those ground signs will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The landscape plan and screening is consistent with the PUD requirements however it does not meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. An alternative compliance landscape plan has been submitted and will be reviewed at the Planning Commission. The standard 50' dimension between the required parking and a landscape area is not provided near the front door of this site. This

request is similar to most convenience store locations in Tulsa and has been routinely granted.

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 364. 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 364, 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.)

9. **AC-121 – Dewberry Engineers, Inc.**, Location: Northeast corner of North Sheridan Road at East Easton Street North, Requesting an **Alternative Compliance Landscape Plan** for new convenience store, (CD-3)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for new convenience store at 519 North Sheridan Road in Tulsa. Two parking spaces do not meet the spacing requirement required for a parking space to be within 75 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 75' of a parking space especially on the south and east sides of the site.

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 350 shrubs and large irrigated lawn areas as part of the alternative compliance landscape plan.

The applicant has provided a landscape plan that exceeds the minimum number of trees required plus they are providing a streetscape environment that provides a recognizable corporate image for this site.

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-121.

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, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the consent agenda Items 2 through 9 per staff recommendation.

COMPREHENSIVE PLAN PUBLIC HEARINGS:

10. Consider Adoption of “Eugene Field Small Area Plan” as an Amendment to the Tulsa Comprehensive Plan, (Resolution No. 2650:907)

STAFF RECOMMENDATION:

Item for consideration: Adoption of the “Eugene Field Small Area Plan” as an amendment to the Tulsa Comprehensive Plan.

The 408 acre area addressed in the Eugene Field Small Area plan is bordered by I-244 to the west; West 25th Street to the south; and the Arkansas River to the north and east. Notable landmarks within the planning area include: OSU College of Osteopathic Medicine, the recently improved Eugene Field Elementary School, and the River West Festival Park.

Related Plans: There have been multiple recent planning efforts that have targeted issues in and around this neighborhood, including the Tulsa Comprehensive Plan, the Downtown Area Master Plan and the Southwest Tulsa Neighborhood Plan. The goal of this plan was to bring together these previous plans, focusing on this area, and develop recommendations to lead to the revitalization of this neighborhood. This plan was drafted by Urban Design Associates in conjunction with the City of Tulsa Planning Department.

Format of the Plan: The “Eugene Field Small Area Plan” is comprised of four primary sections.

- The first section is the Introduction and Executive Summary, which outlines the general purpose and scope of the plan.
- Section two provides Context and History of the area.
- Section three, Inventory and Analysis, describes how the City of Tulsa and consultant team conducted the public process, solicited public input and performed their analysis.
- Section four contains the Plan Recommendations for Housing; Parks & Open Space; Infrastructure; Transportation and Economic Development.

Background: Since April 2012, many City Departments and INCOG have been working with private and non-profit partners on plans for the reinvention of the Eugene Field neighborhood. This transformation has two major facets:

1. The preparation and implementation of a *Small Area Plan* for the revitalization and redevelopment of 408 acres of previously developed land on the West Bank of the Arkansas River; and
2. The preparation of a *project* to replace 200 units of aging, subsidized housing and create over 150 market rate, mixed-use housing units.

The *project* is a proposed Planned Unit Development (PUD-796) is also being heard by TMAPC on the May 15, 2013 agenda. The vision of the PUD is consistent with the proposed Eugene Field Small Area Plan, as well as many of the goals and policies in the Tulsa Comprehensive Plan.

Conformance with the Tulsa Comprehensive Plan:

1) Land Use Plan Map

The “Eugene Field” area in the **Tulsa Comprehensive Plan Land Use Map** includes several land use plan categories: “Existing Residential Neighborhood”; “Mixed-Use Corridors”; “Regional Centers”; and “Parks.”

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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.

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Staff Comments: *The purpose of the small planning area processes is to look at smaller areas with a greater level of detail that was done on a citywide level during the creation of the Tulsa Comprehensive Plan. Therefore, a component of this small area planning process, as well as others that will follow, is to re-examine the specific land uses assigned and adjust those as necessary based on the long term vision and goals for that geographic boundary.*

The proposed Land Use Plan on page 77 of the Eugene Field Small Area Plan reflects the long term vision of the creation of a “Neighborhood Center” in the area bordered by W. 21st Street S. on the north; W. 23rd Street S. on the south; Jackson Avenue on the east; and Southwest Boulevard on the west (area subject to proposed PUD-796). The major difference in this area from the existing Land Use Plan in the Tulsa Comprehensive Plan is the reconfiguration of “Park” within the Plan boundary. The proposed Land Use Plan shows a more expansive and connected public open space system; however, there is a reduction in West Tulsa Park proposed in conjunction with a larger mixed-use project proposed as part of PUD-796. As it stands today, the West Tulsa Park is under-utilized and does not serve as an asset to the surrounding community. With the improvements planned as the PUD is developed, this smaller park area will be a much greater utilized amenity for the surrounding neighborhoods. The City of Tulsa Parks and Recreation Board has approved the redevelopment of West Tulsa Park and the Tulsa City Council has granted permission to use portions of West Tulsa Park as proposed.

2) Areas of Stability & Growth Map

The “Eugene Field” area in the **Tulsa Comprehensive Plan** Stability & Growth Map includes “Areas of Stability” and “Areas of Growth.”

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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 exists 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 Comments: *Within the boundary of the Eugene Field Small Area Plan are both "Areas of Stability" and "Areas of Growth." The "Areas of Stability" as identified on the existing Land Use Plan in the Tulsa Comprehensive Plan are not proposed to change. The proposed improvements to the area mentioned in the Eugene Field Small Area Plan should enhance the quality of life for the existing neighborhoods.*

Staff recommendation: Based on the proposed Eugene Field Small Area Plan's conformance with the Tulsa Comprehensive Plan, staff recommends that TMAPC adopt and include the Eugene Field Small Area Plan as an amendment to the Tulsa Comprehensive Plan.

TMAPC COMMENTS:

Mr. Carnes stated that everyone involved in this Plan should be congratulated for their work. Mr. Carnes encouraged that a big step be taken for proper lighting for security for the subject area because of the Section 8 housing there, which has raised some security problems. In response, Mary Kellers, 6201 Broad Street, Pittsburgh, PA, 15206, stated that she wanted to address the parking first. Ms. Kellers indicated that last week she met with River Parks and discussed how to identify new parking areas during the four to six events that occur throughout the year. Ms. Kellers stated that she has also met with the City of Tulsa Maintenance Department and the concrete plant in the subject area. Ms. Kellers explained that she met with several entities in the subject area that have parking facilities that could be utilized during those events. Ms. Kellers stated that in terms of the lighting, the plan discusses how use thoughtful design to address safety issues and lighting is one of the key elements. The new development that is proposed will have increased lighting than from what is currently in the neighborhood today.

Mr. Perkins stated that the subject area, as it currently exists, is a hub for the cycling community and was it taken into consideration in this plan. Ms. Kellers stated that she was in Tulsa last Wednesday when they meet and she observed the parking situation. Ms. Kellers indicated that she is willing to meet with the cycling club.

INTERESTED PARTIES COMMENTS:

John Richardson, 2021 South Phoenix, 74107, stated that he lives in the middle of the neighborhood that is being discussed today. Mr. Richardson explained that the subject neighborhood was considered the slum of the City when his father was a young man and became an Urban Renewal Project, which was badly needed. Mr. Richardson commented that today's proposal has some good proposals, but most of the ideas are not good. When the subject area was an Urban Renewal Project the apartment complex was not intended to be Government subsidized housing, but rather to be a senior citizen affordable living housing. In the desperation and need to fill the project they began to accept Section 8 and other Government subsidies in those days until it was almost, if not 100%, Government Housing. Mr. Richardson commented that he doesn't believe that the proposed project will revitalize the subject neighborhood. Mr. Richardson suggested that the money should be given to the current homeowners to revitalize their homes and not build a 320 mixed-unit income facility will not revitalize the subject area and will not help the

entire City. Mr. Richardson indicated that if the park was improved it would help revitalize the neighborhood.

Gail Rose, 1803 South 2766 Jackson Avenue, 74107, stated that she has lived in the subject area and is currently the PTA President for Eugene Field Elementary. Ms. Rose further stated that she has been a real estate agent for 20 years and has been involved with neighborhood revitalization in Kansas City where another McCormick & Baron project has been implemented very successfully. Ms. Rose stated that she has worked on this process as a member of the Citizen Advisory Team through CAP and has attended all of the meetings for about 18 months. Ms. Rose commented that this is a necessary step and currently the park is unsafe. Ms. Rose indicated that she is in favor of this proposal.

TMAPC COMMENTS:

Mr. Walker stated that on page 12.24 it indicates that the park will remain in a similar area. What is the proposal to park the Oktoberfest people or what is the solution. In response, Ms. Kellers stated that she mentioned earlier that she met with the River Parks last week and have identified spaces that are not being fully utilized right now. The City of Tulsa's maintenance yard is another location for parking. Ms. Kellers cited the several properties within the subject area that could provide parking.

Mr. Dix asked if the City Maintenance is going to remain at 23rd and Jackson. Ms. Kellers answered affirmatively. Mr. Dix asked if the Section 8 homes going to remain. Ms. Kellers stated that currently the redevelopment plan calls for the redevelopment of Bright Waters Apartments, which are 200 units that today is 100% affordable housing. The redevelopment plan calls to build about 330 new units in mixed income. The 200 units would be replaced and the balance would be market rate. Ms. Kellers indicated that there would be a combination of both rental and for sale units. Ms. Kellers explained that the type of funding that is being pursued through HUD would require that the existing 200 affordable units would be replaced with 200 new affordable units, but it would be done in mixed income content.

Mr. Dix asked if Mid-Continent Concrete Company is remaining at their location. Ms. Kellers stated that currently they are still at their subject property and have no plans to move at this point and time.

Mr. Carnes stated that he would like to go on record and state that he would like to be voting for this project, but it will not be able to market or increasing people into that unit. Mr. Carnes indicated that he would be voting against this project. Ms. Kellers stated that the company she works for is McCormick, Baron & Salazar and have been in business for 40 years. The company goes into distressed neighborhoods and turn them

around, by through the use of mixed-use developments. The key is property management. Ms. Kellers cited projects that her company is involved in and invited the Planning Commissioners to visit them. The management company will be McCormick, Baron Regan, which is an affiliate.

INTERESTED PARTIES COMMENTS:

Josh Miller, 2011 West 109th Court, Jenks, 74037, Program Officer for the George Kaiser Family Foundation, stated that the Foundation is a funding partner with this project. This is not just about the physical redevelopment, but this will be through HUD and another department of education and will be looking for employment for the residents, better transportation and better schools. Mr. Miller reiterated that McCormick, Baron & Salazar have been very successful and he has visited their sites. Mr. Miller explained that several factors are considered before starting these projects.

Dianne Bileck, Executive Director of Red Fork Main Street, 7400 Oak Drive, Beggs, 74221, stated that this project is important because the Main Street Program is recruiting businesses to serve the subject area. The Main Street Program is for revitalization of the subject area and the work plans for 2013 and 2014 are very aggressive. Ms. Bileck indicated that a new Farmer's Market has opened one block from the subject property.

Mr. Covey recognized Ms. Rose.

Gail Rose, 1803 S. Jackson Avenue, 74107, cited projects that McCormick & Baron have done and are thriving communities. She explained that the demand for higher living with the views available at the subject site area.

TMAPC COMMENTS:

Mr. Perkins called Mr. Bob Roberts to the podium. Mr. Perkins explained that Mr. Roberts serve on the Storm Drainage and Hazard Mitigation Board along with him. Mr. Roberts explained that he is present today for Tulsa Public Schools and really didn't have anything to add to the discussion regarding Eugene Field's Small Area Plan. Mr. Perkins expressed concerns with the levees in the subject area and it isn't addressed in the small area plan. Mr. Perkins stated that he would have a hard time spending tax dollars in areas that are not sustainable. There will be significant rains that will flood the subject area at some point and those levees have been certified unacceptable. Mr. Roberts stated that there has been a threat to decertify the levees, but are on hold because the new Levee Commissioner has been putting some plans in place. Mr. Roberts agreed that the levees are not in good shape and this has been addressed

to the City Council with regard to find some funding to correct some of the problems.

Ms. VanValkenburgh stated that the levee issue might be something that should be addressed to the planners.

Mr. Warlick, City of Tulsa Planning Department, stated that staff did try to address some wide-range hazards that are specific to the subject area. If additional language regarding specific recommendation for levee repair that could be easily appended to the subject document. Mr. Warlick stated that a recommendation could be inserted that states "levee protection should be afforded" and work on getting a cost estimate and insert this in the implementation matrix. Mr. Warlick further stated that he doesn't know who is responsible for the levees, but he knows that the City and County have been approached. Mr. Perkins stated that it would be very helpful.

Mr. Midget stated that the subject property is not in the 100-year floodplain and in reference to the gentleman's comments about the decertification of the levees. That is not going to change whether this project is built or not. Mr. Midget commented that he would hate to see the subject project held up due to the levees. Mr. Midget stated that he believes that this is an open discussion and it is a County issue as well. Mr. Midget further stated that if the County is willing to fund it or the City is willing to fund it that is good, but he doesn't think a development should be held up because of it.

Mr. Liotta stated that he would like clarify something. The levees are maintained by a Levee Commission and there is a levee district where the residents and businesses in the district pay to maintain the levees. The County has taken an interest in helping there because it is a levee system that needs repairs, which it needs about twenty million dollars in repairs. Mr. Liotta stated that he just wanted to make it clear that the levees are maintained by the levee district.

Mr. Carnes stated that he really likes this, but are we just doing this so that somebody can build them a project and tell us how good they operated it, when right here in Tulsa, Oklahoma every area in town where we have added more units it added problems. Mr. Carnes stated that he would make a motion to accept all of it except the adding of units on the apartment project.

Mr. Leighty stated that he strongly supports this entire plan. Mr. Leighty further stated that the City of Tulsa requested proposals a couple of years ago for the properties along the river and didn't attract any of the out-of-state developers that they were hoping for. The concrete plant is for sale reported for thirty million dollars. The Public Works property is included in

the Comprehensive Plan to be a redevelopment area and eventually it will be moving to North Tulsa. Mr. Leighty commented he believes the reason the subject area didn't attract developer is due to the poverty of the subject area and it isn't an attractive site. The proposal would be a game changing anchor. Mr. Leighty stated that he understands that the number of government subsidized housing is not increasing, but adding market level apartments to it, which is desperately needed to attract developers to the subject area. Mr. Leighty commented that the issues with parking for Oktoberfest is once year and possibly it is time for them to move to a new location and possibly move to the Tulsa County Fairgrounds.

Mr. Midget stated that he supports Mr. Leighty's comments. Mr. Midget further stated that he has heard several times that subsidized housing causes problems. Nothing prevents the Government from providing subsidy to any apartment complex in the City of Tulsa regardless of where it is located. To prohibit this project because of that fear is unfounded. It depends on whether or not the owners or managers want to accept that and turn a unit into a subsidized unit. The people who live in subsidize housing are not all bad people, in fact most of them work in the schools, serve your children, work in restaurants and provide us services. Mr. Midget stated that he hates that it continues to demonize subsidized housing like this because it is workforce housing. Mr. Midget commented that anytime he hears this he will defend the working people who find they have to get subsidies or have their rent paid to some extent. Mr. Midget cited several sites in Tulsa that are subsidize and are an asset to the community.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-1** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Carnes "abstaining"; Edwards "absent") to recommend **APPROVAL** of the Adoption of "Eugene Field Small Area Plan" as an Amendment to the Tulsa Comprehensive Plan, (Resolution No. 2650:907).

Ms. Miller asked if the motion would include language that Mr. Perkins requested for the levees. Mr. Covey stated that the motion didn't include the language.

Mr. Perkins moved for reconsideration.

TMAPC Action; 10 members present:

On **MOTION** of **PERKINS**, TMAPC voted **9-1-0** (Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Covey "nays"; none "abstaining"; Edwards "absent") to **RECONSIDER** the motion made by Mr. Covey.

Motion to approve adoption of the Eugene Field Small Area Plan and Resolution made by Mr. Covey is stricken.

RECONSIDER:

Mr. Covey asked if the language that Mr. Perkins would like to add is acceptable language, does it belong in a small area plan. Mr. Warlick indicated that it would be acceptable. Mr. Covey asked what the language would be. Mr. Warlick stated that it should be kept as simple as possible. Mr. Warlick suggested the following: "levee maintenance should be a priority investment for the subject area".

Mr. Perkins stated that being that this is a cycling hub for Tulsa he would like to also put in some very light language that states that cycling should be a focus ancillary use in the small area plan. Mr. Warlick stated that it would be consistent with PLANiTULSA to state that cycling is also something that should be promoted.

TMAPC Action; 10 members present:

On **MOTION** of **PERKINS**, TMAPC voted **9-0-1** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Carnes "abstaining"; Edwards "absent") to recommend **APPROVAL** of the Adoption of "Eugene Field Small Area Plan" as an Amendment to the Tulsa Comprehensive Plan, (Resolution No. 2650:907), subject to language being added regarding the levees and cycling, per staff recommendation as modified by the Planning Commission.

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PUBLIC HEARINGS:

11. **Z-7226 – Roy D. Johnsen**, Location: Southeast corner of Southwest Boulevard and West 21st Street, Requesting rezoning from **RM-1 to CS**, (CD-2) (Related to PUD-796)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 12869 dated June 28, 1973, and 11814 dated June 26, 1970 established zoning for the subject property.

RELEVANT ZONING HISTORY:

Surrounding Property:

BOA-20997 November 24, 2009: The Board of Adjustment a *Special Exception* to allow for an industrial waste water treatment facility (Use Unit 2) in and IL district (Section 901), with condition for all city, county, state

and federal permits to be kept current, on property located at 2131 South Rosedale West Avenue.

BOA-20716 July 8, 2008: The Board of Adjustment approved a *Special Exception* to permit community and educational services to include an accessory retail food outlet (Use Unit 5) in the RM-1 district (Section 401); and a *Variance* of the minimum building setback of 25 ft. from an abutting R zoned property (Section 404.F.4); subject to the applicant's narrative, on page 4.6 dated May 22, 2008 and per plan as shown on page 4.9 of the agenda packet, including specifically that no signage advertising food services will be posted; and citing specifically that the food outlet shall consist only of not-for-profit goods;, on property located at 2232 South Nogales Avenue.

BOA-20679 May 13, 2008: The Board of Adjustment approved a *Special Exception* to permit church use in an IL district (Section 901) to permit an accessory gym addition to an existing church, per plan as shown on page 7.6 of the agenda packet, on property located at 1307 West 22nd Street South.

BOA-16403 August 10, 1993: The Board of Adjustment approved a *Variance* to permit parking on a lot other than the lot containing the principal use; and a *Variance* of the screening requirement; and a *Variance* of the required side yard from 10 ft. to 5 ft.; and a *Variance* of the required 25 ft. from an abutting R district; and an *Amended site plan* approval; per plan submitted; subject to a tie contract on Lots 13, 14, 15, 16,17 and 18; finding that the use was approved many years ago and has proved to be compatible with the area; located at 2232 South Nogales Avenue.

BOA-15978 April 14, 1992: The Board of Adjustment approved a *Special Exception* to permit school use in an RM-1 district and to permit four mobile units to be used as classrooms for a period of one year, per plot plan submitted, on property located at 1116 West 22nd Street.

BOA-14209 September 18, 1986: The Board of Adjustment approved a *Special Exception* to permit a children's nursery in an RM-1 district; subject to days and hours of operation being, Monday through Friday, 6 a.m. to 6 p.m., on property located at the northeast corner of South Phoenix Avenue and West 22nd Street.

BOA-8297 June 20, 1974: The Board of Adjustment *Upheld the decision* of the Building Inspector; and approved a *Special Exception* to operate a classic automobile museum as a public museum, in a metal storage building, to be open to the public a minimum of 50 hours per month—the hours to be posted—and that the applicant be allowed to charge a nominal

fee for maintenance and upkeep of the operation which is to be operated on a non-profit basis, per plot plan, in an RM-1 district; located at 2232 South Nogales Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located Southeast corner of Southwest Boulevard and West 21st Street. The property is part of an apartment project and is zoned RM-1.

SURROUNDING AREA: The subject tract is abutted on the east by Multi Family property which is zoned RM-1; on the north by multifamily property, zoned RM-1; on the south by Commercial property, zoned CH; and on the west by IL and CH zoning and related businesses.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Southwest Boulevard as a secondary arterial street. There is no multimodal corridor designation. The Eugene Field Small Area Plan recognizes that future connectivity is important to re-establish the vehicular grid system in this area. The vision identified in the Eugene Field Small Area Plan is complimentary with this re-zoning request especially as related to the transportation vision in the area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Southwest Boulevard	Secondary Arterial	100 feet	5
West 21 st Street	residential	50 feet	2
West 22 nd Street	residential	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Land Use Plan designated for the requested re-zoning is part of a Planned Unit Development request and is classified an Existing Neighborhood within the Tulsa Comprehensive Plan. Without the Planned Unit Development and the Eugene Field Small Area Plan this request would not necessarily be consistent with the Comprehensive Plan. The Eugene Field Small Area Plan is written specifically to include a re-development plan which includes a mixed use property where this re-zoning request is identified. The associated PUD development standards refine the vision outlined in the small area plan.

Staff Comment: Although the land use plan illustrates this area as an existing neighborhood and a par, the area has been identified as

a potential redevelopment area inside the Eugene Field Small Area Plan.

The Growth and Stability Map designates the area as an Area of Growth and a Park. 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.

STAFF RECOMMENDATION:

This zoning request must be taken in context with the Area of Growth designation in the Tulsa Comprehensive Plan, the Eugene Field Small Area Plan and the Planned Unit Development.

With review of all the documents staff finds that the uses and intensities of the proposed rezoning from RM-1 to CS is:

- 1) In harmony with the spirit and intent of the Tulsa Comprehensive Plan,
- 2) In harmony with the spirit and intent of the Eugene Field Small Area Plan
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning from RM-1 to CS as requested by the applicant in conjunction with PUD 796.

Z-7226 Related to PUD-796:

12. **PUD-796 – Roy D. Johnsen**, Location: Southeast corner of Southwest Boulevard and West 21st Street, Requesting a PUD for The Eugene Field Mixed-Use Development a part of the redevelopment of the Eugene Field Neighborhood and implementation of the Eugene Field Small Area Plan, **RM-1to CS/PUD**, (CD-2) (Related to Z-7226)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 12869 dated June 28, 1973, and 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

BOA-21204 January 11, 2011: The Board of Adjustment approved a *Variance* of the front yard requirement in an RM-1 district to permit a replacement guard shack (Section 403). The Board has found that the existing 32 sq. ft. guard shack is not only old and outdated but is of insufficient space to act as an entry that a security point should. The existing shack shall be demolished and the new guard shack shall be built not to exceed the maximum dimensions of 8'-0" x 10'-0" and shall be located approximately as indicated on conceptual site plan 21.5, and as shown on the plan shall be set back at least 35'-0" from the centerline of Phoenix Avenue and subject to conceptual plan 21.5, on property located at 2202 South Phoenix Avenue West and is a part of the subject property.

BOA-15785 July 23, 1991: The Board of Adjustment approved a *Special Exception* to permit Salvation Army recreation center (Use Unit 5) in an RM-1 district, per plot plan submitted, on property located south of the southeast corner of West 21st Street and South Olympia Avenue and is a part of the subject property.

BOA-8625 June 19, 1975: The Board of Adjustment approved a *Special Exception* to permit a public park with facilities as presented in an RM-1 district, per plot plan, on property located at south side of West 21st Street and South Nogales Avenue and is a part of the subject property.

BOA-8114 November 1, 1973: The Board of Adjustment approved a *Special Exception* to use property for a Salvation Army Family Center with playgrounds for all ages in an RM-1 district; and a *Variance* to build across lot lines, per plot plan; and a *Variance* of the parking requirements, per plot plan, subject to the applicant's signing a n agreement that in the future the two lots will not be sold on an individual basis; and a *Special Exception* to waive the requirement to screen on the north, south and east boundary lines in common with the R District, per plot plan, on property located at 2143 South Olympia Avenue.

Surrounding Property:

BOA-20997 November 24, 2009: The Board of Adjustment a *Special Exception* to allow for an industrial waste water treatment facility (Use Unit 2) in and IL district (Section 901), with condition for all city, county, state and federal permits to be kept current, on property located at 2131 South Rosedale West Avenue.

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AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 27± acres in size and is located Southeast corner of Southwest Boulevard and West 21st Street. The property is a mix of multifamily residential and a City park which and is zoned RM-1.

SURROUNDING AREA: The subject tract is abutted on the east by South Jackson Avenue then a concrete plant, zoned IM; on the north by residential property, zoned RM-1 and RS-3; on the south by a wide variety of properties including a church, a public school, community services building and multifamily residential, zoned CH, RM-1 and RM-2; and on the west by IL and CH zoning and related businesses.

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

TRANSPORTATION VISION:

The Eugene Field Small Area Plan designates specific transportation opportunities as follows:

- 1) Re-establish the grid system and improve inner connectivity options in the Tulsa Comprehensive Plan that has been lost through previous re-development strategies.
- 2) Establish an east-west greenway connection from the neighborhood to Festival Park.
- 3) Establish streets with on-street parking and sidewalks.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Southwest Boulevard	Secondary Arterial	100 feet	5
West 21 st Street	Residential	50 feet	2
West 22 nd Street	Residential	50 feet	2
South Phoenix Avenue	Residential	50 feet	2
South Nogales Avenue	Residential	50 feet	2
South Olympia Avenue	Residential	50 feet	2
South Jackson Avenue	Residential	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Land Use Plan designated for the Planned Unit Development is an Existing Neighborhood and Existing Neighborhood Park area in the Tulsa Comprehensive Plan; however it is entirely included in the Eugene Field Small Area Plan. The Eugene Field Small Area plan is written specifically including this re-development plan. The PUD development standards refine the vision outlined in the small area plan.

Staff Comment: Although the land use plan illustrates this area as an existing neighborhood and a park the area has been identified as a potential redevelopment area inside the Eugene Field Small Area Plan. The park area is of particular interest because it is a City park that has been abandoned except that trash is removed and the site periodically mown during the growing season. The small area plan contemplates this area as a mixed use re-development opportunity including a privately maintained park for the neighbors. This project is also proposing a significant pedestrian link east toward the West Festival Park then to Riverparks and the trail system.

The Growth and Stability Map designates the area as an Area of Growth and a Park. 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.

STAFF SUMMARY:

I. Development Concept

Planned Unit Development No. 796 (hereinafter "PUD 796") comprises 26.31 net acres (hereinafter the "Property or the Eugene Field Mixed Use Development") located at the southeast corner of Southwest Blvd. and W. 21st Street. The Property extends east from Southwest Boulevard to S. Jackson Avenue and south from W. 21st Street to just short of W.23rd Street.

The Eugene Field Mixed Use Development is a part of the redevelopment of the Eugene Field Neighborhood, and is a part of the implementation of the Eugene Field Small Area Plan that is pending approval by the City of Tulsa. McCormack Baron Salazar, Inc. is undertaking the development of the Eugene Field Mixed Use Development, which is in accordance with the City of Tulsa's Comprehensive Plan. The Property is to be developed into a multifamily and mixed use community, knitted into and around the Eugene Field Elementary School, the Phoenix Baptist Church, the Salvation Army Community Center, the Boys & Girls Club, and the West Tulsa Park. The Eugene Field Mixed Use Development is designed to

include quality construction, varied architectural styles and amenities, and to provide mixed-income housing opportunities. The Eugene Field Mixed Use Development will be designed to achieve a mixed use, walkable neighborhood, which is pedestrian and bicycle friendly. As part of W. 22nd Street eastern extension, a 10'-0" wide multi-use trail will occur on one side of the street to allow access to the River West Festival Park, tie access into the multi-use trail along the Arkansas River, and be in place for the future trail network planned along S. Jackson Avenue.

The mixed use buildings will include office and retail services for the proposed adjoining apartments. Additionally, 72 apartment units will be located within the mixed use buildings and will be for affordable, market rate, and potential university student tenants. These affordable, market rate and university student units are to be located on the second and third floors of the mixed use buildings.

The commercial space on the first floor of the mixed use buildings will be prepared as a white box space for future tenant outfit, furnishing, and use. Each residential unit and commercial rental space will have its own mechanical equipment and toilet/ bathroom fixtures, and separate meters will be provided for each residential unit and commercial rental space area. Residential and commercial AC equipment will be located on the roof of the mixed use buildings with maintenance access from the third floor. All rooftop units will be screened by a parapet to cover and minimize its visibility from the ground plane.

The Planned Unit Development 796 is intended to establish a conceptual site plan with allocation of uses and intensity of uses, and development standards and conditions, to be followed by a detailed site plan review of each phase of development. The existing underlying zoning districts are RM-1 Residential Multifamily District (29.87 gross acres) and C-H Commercial High Intensity District (0.34 gross acres). Accompanying the planned unit development application is a rezoning application for 2.41 acres to be rezoned from RM-1 Residential Multi-Family District to CS Commercial District, which will permit the planned mixed use buildings to be located fronting on Southwest Boulevard.

II. Zoning Intensity Analysis

A. Non-Residential Use

Existing Zoning	Acres	SF	F.A.R	Permitted Floor Area
CH	Gross: 0.3443	15,000.00	.75	11,250.00 SF
RM-1	Gross: 29.5326	1,286,440.74	.50	643,220.37 SF
TOTAL	Gross: 29.8769	1,301,440.74		654,470.37 SF

B. Multifamily Use

Existing Zoning	Acres	SF	Area Per DU	Permitted Density
CH	Gross: 0.3443	15,000.00	1,700 SF/PUD	8 DU
RM-1	Gross: 29.5326	1,286,400.74	1,700 SF/PUD	756 DU
TOTAL	Gross: 29.8769	1,301,440.74		764 DU

C. Proposed Rezoning

105,000 sq. ft. RM-1 to CS

Zoning	Acres	SF	F.A.R/DU	Retail/Office	DUs
CH	0.34	15,000	.75	11,250 SF	
CS	2.41	105,000	.50	52,500 SF	
RM-2	27.12	1,181,440		1700	694
TOTAL	29.87	1,301,440		63,750 SF	694

D. Allocation of Intensity

Retail/Office

Maximum Floor Area Proposed 38,006 SF

Apartments

Maximum Dwelling Units Proposed 359 DU

III. Development Standards -Mixed Use Development

Net Land Area for Total Project Development:

- Surveyed Area 1,146,358.88 SF 26.3167 ac
 - Add the following:
 1. W. 21st St. half cul-de-sac 2,930.66 SF 0.0673 ac
 2. Park C2 8,682.02 SF 0.1993 ac
 - Less the following:
 1. New ST ROWs (178,924.48) SF (4.1075) ac
 2. Park C1 (130,066.16) SF (2.9859) ac
 3. SW ROW dedication (10,500.00) SF (0.2410) ac

4. W. 22nd Street D (10,182.50) SF (0.2338) ac

Net Land Area for Development 828,293.30 SF 19.0150 ac

Development Area A:

Net Land Area: 4.4869 acres 195,477 SF

Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Maximum Residential Units 84 DU

Off-street Parking Spaces: 140 PS

Minimum Building Setbacks:

From northwest boundary (New W. 22nd St. centerline w/multi-use trail) 47.5 FT

From east boundary (S. Jackson Ave. centerline) 40 FT

From south boundary (RM-2 District) 10 FT

Maximum Building Height (3 stories max): 45 FT

Minimum Livability Space 600 SF/DU

Development Area B:

Net Land Area: 1.2440 acres 54,188 SF

Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Maximum Residential Units 21 DU

Off-street Parking Spaces: 34 PS

Minimum Building Setbacks:

From north boundary (RS-3 District) 10 FT

From southeast boundary (New 22nd St. centerline w/multi-use trail) 47.5 FT

From west boundary (New S. Maybelle Ave. centerline) 45 FT

Maximum Building Height (3 stories max): 45 FT
Minimum Livability Space 600 SF/DU

Development Areas Park C1 and C2

Net Land Area Park C1 5.9859 Acres 130,006 SF

Net Land Area park C2 0.1995 Acres 8,691 SF

Permitted Use: Public / ~~Private~~ Park/Private Maintenance

Development Area D-1:

Net Land Area: 2.3454 Acres 102,167 SF

Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses, including 8,000 SF management building.

Maximum Residential Units 37 DU

Off-street Parking Spaces: 74 PS

Minimum Building Setbacks:

From north boundary (W. 21st Street centerline) 45 FT
From east boundary (New S. Nogales Ave. centerline) 45 FT
From south boundary (W. 22nd St. centerline w/multi-use trail) 47.5 FT
From interior south boundary (RM-1 District) 10 FT
From west boundary (S. Olympia Ave. centerline) 45 FT
From interior west boundary (RM-1 District) 10 FT

Maximum Building Height (3 stories max): 45 FT

Minimum Livability Space 600 SF/DU

Development Area D-2: Alternative Standard:

An alternate addition of 27 units of multi-family apartments located on Olympia Avenue and W. 22nd Street, in lieu of the Salvation Army/Boys & Girls Club, if the Salvation Army relocates its facilities and programs.

Net Land Area: 1.4695 Acres 64,009 SF

Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Maximum Residential Units	27 DU
Off-street Parking Spaces:	66 PS
Minimum Building Setbacks:	
From north boundary (RM-1 District)	10 FT
From east boundary (RM-1 District)	10 FT
From south boundary (New W. 22 nd St. centerline-w/multi-use trail)	47.5 FT
From west boundary (S. Olympia Ave. centerline)	45 FT
Maximum Building Height (3 stories max):	45 FT
Minimum Livability Space	600 SF/ DU

Development Area E:

Net Land Area	3.0815 Acres	134,229 SF
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Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Minimum Building Setbacks:	
From north boundary (W. 21 st Street centerline)	45 FT
From east boundary (S. Olympia Ave. centerline)	45 FT
From south boundary (RM-1; Church)	10 FT
From west boundary (S. Phoenix Ave. centerline)	45 FT
Maximum Building Height (3 stories max):	45 FT
Maximum Residential Units	44 DU
Off-street Parking Spaces:	116 PS
Minimum Livability Space	600 SF/DU

Development Area F.1, Mixed Use Building:

Net Land Area	1.2934 acres	56,338 SF
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Permitted Uses:

Uses included within: Use Unit 8. Multifamily Dwellings limited to multi-family apartments; Use Unit 10. Off-Street Parking Areas; Use Unit 11. Offices, Studios, And Support Services (excluding drive-thru banking facilities); Use Unit 12. Eating Establishments Other Than Drive-Ins; Use Unit 13. Convenience Goods and Services; Use Unit 14. Shopping Goods and Services; Use Unit 19. Hotel, Motel and Recreation Facilities (limited to fitness center only); and Customary Accessory Uses.

Maximum Commercial / Office Floor Area (.36 FAR)	20,506 SF
Maximum Residential Units	40 DU
Off-street Parking Spaces:	80 PS
Minimum Building Setbacks:	
From the west boundary (Southwest Blvd. centerline)	50 FT
From the north boundary (RM-1 District)	10 FT
From the east boundary (RM-1 District)	10 FT
From the south boundary (RM-1 District)	10 FT
Maximum Building Height (3 stories max):	45 FT
Minimum Livability Space	200 SF/DU
(This may be located in part, in development lot area F2.)	

Development Area F.2; Multi-family Apartments

Net Land Area:	2.3568 acres	102,661 SF
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Permitted Uses:

Use Unit 8. Multifamily Dwellings limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Minimum Building Setbacks:

From north boundary (W. 21 st Street centerline)	45 FT
From interior north boundary (CS District)	10 FT
From east boundary (New S. Phoenix Ave. centerline)	45 FT
From south boundary (New W. 22 nd Street centerline)	45 FT
From interior south boundary (CS District)	10 FT
From west boundary (Southwest Blvd. centerline)	50 FT
From interior west boundary (CS District)	10 FT

Maximum Residential Units	46 DU
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Off-street Parking Spaces:	94 PS
Maximum Building Height (3 stories max):	45 FT
Minimum Livability Space	600 SF/DU

Development Area G.1; Mixed-Use Building:

Net Land Area:	1.1230 acres	48,660 SF
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Permitted Uses:

Use Unit 8. Multifamily Dwellings limited to apartments and multi-family; Use Unit 10. Off-Street Parking Areas; Use Unit 11. Offices, Studios, and Support Services; Use Unit 12. Eating Establishments Other Than Drive-Ins; Use Unit 13. Convenience Goods and Services; Use Unit 14. Shopping Goods and Services; Use Unit 19. Hotel, Motel, and Recreation Facilities (limited to fitness center); and Customary Accessory Uses.

Maximum Retail/Office Floor Area (.36 FAR)	17,500 SF
Maximum Residential Units	32 DU
Off-street Parking Spaces:	64 PS

Minimum Building Setbacks:

From north boundary (RM-1 District)	10 FT
From east boundary (RM-1 District)	10 FT
From south boundary (CH District)	10 FT
From west boundary (Southwest Blvd. centerline)	50 FT

Maximum Building Height (3 stories max):	45 FT
Minimum Livability Space	200 SF/DU
(This may be located in part, in development lot G2.)	

Development Area G.2; Multifamily Apartments:

Net Land Area:	1.6401 acres	71,219 SF
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Permitted Uses:

Use Unit 8. Multifamily Dwellings and Similar Uses, limited to apartments; Use Unit 10. Off-Street Parking Areas; and Customary Accessory Uses.

Minimum Building Setbacks:	
From north boundary (New W. 22 nd Street centerline)	45 FT
From east boundary (S. Phoenix Ave. centerline)	50 FT
From south boundary (CH District)	10 FT
From west boundary (Southwest Blvd. centerline)	50 FT
Maximum Dwelling Units	28 DU
Off-street Parking Spaces:	74 PS
Maximum Building Height (3 stories max):	45 FT
Minimum Livability Space	600 SF/DU

IV. General Provisions and Development Standards

A. Landscaping and Fencing

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from all street ROWs adjacent to and within the PUD Mixed Use Development shall be deemed to be 15 feet except the minimum setback from Southwest Blvd. shall be deemed to be 10 feet. Typical fencing throughout the site will be 5' high decorative metal fencing. In areas where the proposed RM-1 abuts any RS district or CS district additional landscaping will be provided along with decorative fencing to help screen the proposed development from the existing use, with an option to provide 6'-0" high solid screen fencing instead decorative fencing, if necessary.

B. Parking

Residential:

Required parking computed for a particular development lot may be allocated in part in another lot within the PUD. The aggregate residential number of parking spaces provided within PUD 796 is 676, without including Alternate D-2 Development Area, and the required number of parking spaces is 610. With the inclusion of Development Alternate Area D-2, the aggregate number of residential parking spaces provided within PUD 796 is 742 and the required number of parking spaces is 663. Any excess residential spaces will be utilized to allow shared parking for the Mixed Use Development Areas to increase shared parking opportunities for the commercial uses.

Mixed Use Commercial:

The planned parking ratio for the commercial spaces has been averaged to provide 1 parking space per 225 SF of usable commercial space or approximately 70% of the aggregate commercial net square foot area of 32,520 SF. This average parking ratio takes advantage of shared parking uses contemplated to occur throughout a complete business day, along with the provision of bicycle parking and the walkable neighborhood for nearby resident users, and available adjacent off-street parking in other development areas for potential residential overflow parking allowing for the commercial increase. There will be 72 full time designated commercial parking spaces available and 20 part time (shared) parking spaces available for commercial parking use throughout the business day.

C. Access and Pedestrian Circulation

Access to the two Mixed Use Buildings is to be derived from Southwest Blvd., and a mutual access easement for pedestrian access will be established between the Mixed Unit Buildings and the multi-family property adjoining the north, east, and south boundary of the Mixed Unit Buildings property.

Sidewalks will be provided, if not currently existing, along all existing and new street right of ways. Additional internal pedestrian circulation will be subject to a detailed site plan review. A 10 foot wide multi-use walk and bike trail will occur along W. 22nd Street from S. Olympia Avenue east to S. Jackson Avenue.

D. Lighting

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be designed so that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 25 feet in height, provided that any light standard located within the north 25 ft. area of Block B north property line, shall not exceed 15 feet in height.

E. Signs

1. Mixed-Use Buildings:

Signs shall be limited to wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which it is affixed, provided however,

the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which it is affixed.

2. Multifamily Residential:

Two project signs not exceeding eight feet in height and 64 square feet of display surface area may be located along the southwest Boulevard frontage and also along the South Jackson Avenue frontage, for a total of four signs.

F. Utilities and Drainage

Utilities are at the site or accessible by customary extension. Fee in lieu of storm water detention is not required because the proposed storm water area of the Planned Unit Development, which will be included in the required subdivision plat, will be piped directly to the Arkansas River in lieu of detention.

G. Trash, Mechanical and Equipment Area Screening

All trash, recycling, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level, provided however, that one side of the screening of a trash receptacle area may be open to permit access and gating shall not be required.

H. Site Plan Review

Development will be phased. No building permit shall be issued until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable building site has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

I. Platting Requirement

The PUD Mixed Use Development will be phased. No building permit shall be issued until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record, unless an accelerated release of a building permit has been approved

by the Tulsa Metropolitan Area Planning Commission. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development and the City of Tulsa shall be a beneficiary thereof.

J. Expected Schedule of Development

Phase I Development is expected to commence within 12 months following the award of funding and construction completed within 18 months thereafter.

K. Exhibits

- A. Conceptual Site Plan
- B. Proximity Aerial Photograph
- C. Existing Zoning Map
- D.1 Access and Circulation
- D.2 Pedestrian Access and Circulation

STAFF RECOMMENDATION:

This Planned Unit Development request must be taken in context with the Area of Growth designation in the Tulsa Comprehensive Plan, and the Eugene Field Small Area Plan.

After review of the documents outlined above staff finds that the uses and intensities of the Planned Unit Development is:

- 1) In harmony with the spirit and intent of the Tulsa Comprehensive Plan,
- 2) In harmony with the spirit and intent of the Eugene Field Small Area Plan
- 3) In harmony with the existing and expected development of surrounding areas.
- 4) Consistent with the Tulsa Zoning Code specifically as it relates to the PUD chapter of the Code.

Therefore, staff recommends **APPROVAL** of PUD-796 as defined in the Staff Summary outlined above.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing McCormick Baron & Salazar, stated that this is a quality development and the company has a good track record. Mr. Johnsen indicated that his client has a project in the Kendall Whittier area

and are excellent quality. Mr. Johnsen stated that there is a small area plan developed that is consistent with the Comprehensive Plan, a developer that knows what they are doing and have spent an enormous amount of time with the neighborhood residents. Mr. Johnsen pointed out that considering the amount of people that have been contacted and attended meetings regarding this project, there is only one person present today against the project. This proposal has been reviewed by all of the City Departments, the Planning Commission, the City Planners and all are in support.

Mr. Johnsen stated that the City Attorney did advise him to correct page 12.10 of the agenda packet under Development Areas Park C1 and C2 and it should read "Public Park/Private Maintenance".

Mr. Johnsen concluded that this would be a positive development for the subject neighborhood.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-1** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Carnes "abstaining"; Edwards "absent") to recommend **APPROVAL** of the CS zoning for Z-7226 per staff recommendation.

Legal Description for Z-7226:

A TRACT OF LAND LYING IN BLOCK FOUR (4) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 85.92 FEET TO THE **POINT OF BEGINNING**; THENCE N89°24'57"E AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 141.50 FEET; THENCE S00°40'03"E FOR AND PARALLEL WITH THE WEST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 428.17 FEET; THENCE S89°24'57"W AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 141.50 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK FOUR (4); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK FOUR (4) A DISTANCE OF 428.17 FEET TO THE **POINT OF BEGINNING**; CONTAINING 1.39 ACRES MORE OR LESS. **AND** A TRACT OF LAND LYING IN BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE

CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK SIX (6); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 115.75 FEET TO THE **POINT OF BEGINNING**; THENCE N89°24'57"E AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 141.50 FEET; THENCE S00°40'03"E AND PARALLEL WITH THE WEST LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 364.25 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 141.50 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 364.25 FEET TO THE **POINT OF BEGINNING**; CONTAINING 1.18 ACRE MORE OR LESS.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-1** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Carnes "abstaining"; Edwards "absent") to recommend **APPROVAL** of PUD-796 per staff recommendation, subject to amendment per applicant. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-796:

A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE

OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS. **AND** A TRACT OF LAND LYING IN BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; SAID LINE BEING ON THE NORTH LINE OF SAID BLOCK THREE (3); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET; THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 212.36 FEET; THENCE S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF 142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVERVIEW PARK ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST LINE OF SAID BLOCK THIRTY THREE (33); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 15.50 ACRES MORE OR LESS.

13. **LS-20602** (Lot-Split) (County) – Location: West of the southwest corner of East 131st Street South and South Garnett Road, Requesting a waiver of the Subdivision Regulations for more than three side lot lines

STAFF RECOMMENDATION:

The lot-split proposal is to split an existing AG (Agriculture) tract into two tracts. One of the resulting tracts will exceed the Bulk and Area Requirements of the Tulsa County Zoning Code. The other proposed lot did not meet the required lot width. This tract was granted a variance of the lot width by the County Board of Adjustment on April 16, 2013.

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

The County has asked for a 50' right-of-way easement on 131st Street South which is designated a secondary arterial on the Major Street and Highway Plan. The applicant has also been made aware that the property is within a FEMA Floodway and has been advised to contact the County permits office for more specifics on what can and cannot be done in a FEMA Floodway.

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** of the waiver of *Subdivision Regulations* and the lot-split per staff recommendation.

* * * * *

14. **103 Memorial Center** – Preliminary Plat, Location: South of the southwest corner of 101st Street South and South Memorial Drive (8326) (CD-8) (Request continuance to 6/5/2013 for further Technical Advisory Committee review.)

STAFF RECOMMENDATION:

Staff is requesting a continuance to June 5, 2013 for further Technical Advisory Committee Review.

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, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the preliminary plat for 103 Memorial Center to June 5, 2013.

15. **Cedar Crossing** – Preliminary Plat, Location: North of northwest corner of East 116th Street North and North Memorial Drive (1302) (County) (Strike from agenda as owner reviews development options.)

STAFF RECOMMENDATION:

This item is stricken from the agenda.

16. **McBirney Transportation Facility** – 1012 West 36th Place, east of South Union Avenue, north of East 41st Street South (9223) (CD-2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.07 acres.

The following issues were discussed May 2, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Provide 25-foot radius or equivalent clip at all corners. Show arrows to include entire width of "Right-of-way dedicated by this plat". Sidewalk must be at least 18 inches from property line.
3. **Sewer:** No comments.

4. **Water:** ~~A water main must be extended along the frontage of West 36th Place South, and West 37th Street South. (Use NAVD 1988 Datum for your Benchmark.)~~
5. **Storm Drainage:** No comments.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Provide fire hydrant within 400 feet of any portion of an unsprinkled building or within 600 feet of any portion of a sprinkled building.
GIS: Complete location map. Submit subdivision control sheet. Be more specific on benchmark location.

Staff recommends **APPROVAL** of the minor 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.

Mrs. Fernandez stated that she has been advised by Mr. Tohlen that the water main doesn't need to be extended on this plat.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the preliminary plat for McBirney Transportation Facility per staff recommendation, subject to special conditions and standard conditions. (Language underlined has been added and language with a strike-through has been deleted.)

* * * * *

17. PUD-794 – Plat Waiver, 2218 East 85th East Avenue, (9313) (CD-5)

STAFF RECOMMENDATION:

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

Staff provides the following information from TAC for their May 2, 2013 meeting:

ZONING: TMAPC Staff: The lot is in an existing platted lot with existing infrastructure.

STREETS: No comments.

SEWER: Any sanitary sewer lines that will be under pavement will need to be changed to ductile iron pipe from manhole to manhole.

WATER: No comments.

STORMWATER: No comments.

FIRE: No comments.

UTILITIES: No comments.

Staff recommends **APPROVAL** of the plat waiver for the platted property. The applicant has requested a waiver of sidewalk requirements and staff is not favorable to the waiver.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		

- | | |
|---|---|
| i. Is a main line extension required? | X |
| ii. Is an internal system required? | X |
| iii. Are additional easements required? | X |
| c) Storm Sewer | |
| i. Is a P.F.P.I. required? | X |
| ii. Is an Overland Drainage Easement required? | X |
| iii. Is on site detention required? | X |
| iv. Are additional easements required? | X |
| 7. Floodplain | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. Change of Access | |
| a) Are revisions to existing access locations necessary? | X |
| 9. Is the property in a P.U.D.? | X |
| a) If yes, was plat recorded for the original P.U.D. | |
| 10. Is this a Major Amendment to a P.U.D.? | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. Are mutual access easements needed to assure adequate access to the site? | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

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

Mrs. Fernandez stated that staff recognizes that the sidewalks would be difficult to install, but it is possible. There is also a park in the subject area and residential uses in the subject area. Mrs. Fernandez commented that there are no other sidewalks in the subject area. Mrs. Fernandez stated that staff recommends that the sidewalks be installed.

Applicant's Comments:

Nicole Watts, Kinslow Keith & Todd, 2200 S Utica Pl, Suite 200, 74114, stated that there are barrow ditches on both sides of the street that are up to the right-of-way, which doesn't allow for any room for a sidewalk. The subject area has older homes that will not be redeveloped, which means that her client would be installing about 200 feet of sidewalk in front of their property to nowhere for nowhere. The plat waiver is for a park for the surrounding senior citizen center and allow them access the park rather than walking in the street to the existing park.

Ms. Watts stated that per the PUD her client is required to build a three-foot berm to give some screening for the headlights. With the berm and no room in the right-of-way to provide sidewalks there are not very many locations to install the sidewalk in front of the subject property. Ms. Watts requested a sidewalk waiver.

TMAPC COMMENTS:

In response to Mr. Leighty, Ms. Watts explained that the barrow ditch goes right up to the right-of-way and there is no room unless a pipe is installed to enclose the ditch and put the sidewalk over the pipe.

Mr. Walker indicated that he would be abstaining since his Mother is a resident of the facility.

Mr. Leighty stated that he is not willing to waiver any requirement for a sidewalk on this project or any other.

Mr. Dix stated that he agrees with Mr. Leighty. Mr. Dix commented that he went to look at the 51st and Memorial application and there are sidewalks coming right around to the corner and the Planning Commission gave up on the sidewalk in the Memorial side. Mr. Dix indicated that he will not be waiving any requirements for sidewalks either.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-1** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; Walker "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for PUD-794 per staff recommendation.

18. **Z-7227 – John K. Davis**, Location: East side of South Memorial Drive at East 87th Street, Requesting rezoning from **AG to CS**, (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject property:

BOA-20248-C May 24, 2011: The Board of Adjustment approved a *Minor Special Exception to amend a previously approved site plan* to permit a building floor area addition within an existing structure on property located at 8621 S. Memorial Dr.

BOA-20248-B August 10, 2010: The Board approved an *Amendment to a previously approved site plan* for an approved school and athletic facility use; it appears the proposed revised site plan 8.9 remains compatible with the intent and spirit of the original Special Exception and Variance request. The new site plan maintains the same facilities proposed previously except the City of Tulsa requires there be no public parking east of the creek, and shifts onsite parking around other areas of the school. The football stadium spectator capacity has been reduced from 1,356 to 1,017 seats. Other conditions of Case No. 20248 and Case No. 20248-A still apply.

BOA-20248-A October 28, 2008: The Board of Adjustment approved an *amendment to a previously approved site plan* for a private school in an AG district; and a Variance of the parking requirement for a school specifically per plan submitted today, dated September 4, 2008, with a 40 ft. dimension shown between the east grandstand and the east property line; subject to the narrative received from Regents Preparatory School, Proposed Use Conditions noting that #5 lighting and #6 sound system, these use conditions shall be amended by this Board to show filed lighting and should system for the football field will be turned off by 11pm nightly; finding the hardship is not only that probably no two activities will take place at the same time, but also the topography of land and restricted water areas that are unusable for any other purpose; assuming the stucco and frame house to the south will be removed; in addition to planting trees between the stadium and the neighborhood to the east, that the school make every effort to retain mature foliage if possible; all parking and driving surfaces to be concrete or asphalt;, on property located at 8621 South Memorial.

BOA-20248 April 25, 2006: The Board of Adjustment approved a Special Exception to allow a private school and church use in an AG district, per plan submitted this day, on property located at 8621 South Memorial Drive and is the subject property.

BOA-19740 January 27, 2004: The Board **approved** a *Special Exception* to operate an Adult Day Care Facility in an AG zoned district; and a *Special Exception* to allow a residential care facility (8-12 beds) in an AG

zoned district, per plan, with conditions to comply with the state and federal regulations; located on the subject property.

BOA-18541 October 12, 1999: The Board **approved** a *Special Exception* to allow a boys home for up to 14 boys from 13 to 17 years old in current custody of DHS; located on the subject property.

BOA-16226 December 22, 1992: The Board **approved** a *Special Exception* to permit a church owned and operated maternity home to accommodate not more than 12 women in a supervised counseling environment and for an amended site plan review on the subject property.

BOA-15691 April 9, 1991: The Board **approved** a *Special Exception* to permit Use Unit 5 uses (church use and related community, education and recreational facilities) in accordance with an approved developmental master plan; per master plan submitted; subject to City zoning ordinances; subject to the outdoor advertising sign used by the church being brought into compliance with the Zoning Code; and subject to conditions listed in the attached minutes; located on the subject property.

BOA-11193 October 16, 1980: The Board **approved** a *Special Exception* to allow church and church-related activities (this request is to include elementary, junior high, and senior high classrooms, and nursery facilities) with conditions listed in the attached minutes; located on the subject property.

BOA-7930 June 7, 1973: The Board **approved** a *Special Exception* to erect a church in an AG district; located on the subject property.

Surrounding property:

PUD-386-B August 2009: All concurred in approval of a proposed Major Amendment to PUD on a 7± acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91st St and S. Memorial.

PUD-360-E October 2008: All concurred in approval of a proposed Major Amendment to PUD-360 on a 20± acre tract of land to add a dog grooming and boarding facility (Use Unit 15) on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-360-C April 2005: All concurred in approval of a proposed Major Amendment to PUD-360 to allow a woman's health facility on property located northwest of the northwest corner of East 91st Street and South Sheridan.

PUD-360-B February 2003: All concurred in approval of a request for a Major Amendment to PUD to permit an hourly daycare center on property located northwest of the northwest corner of East 91st Street and South Sheridan Road.

BOA-18077 June 9, 1998: The Board of Adjustment approved a *Special Exception* to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial.

Z-6516 January 1996: All concurred in approval of a request for rezoning a 4.17± acre tract of land from CS to OL to make underlying zoning in PUD-529 into compliance with the Comprehensive Plan, for mini-storage, on property located north of northwest corner of East 91st Street South and South Memorial Drive.

Z-6508/PUD-386-A November 1995: A request to rezone a 13.9± acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of E. 91st St and S. Memorial. All concurred in approval of a request to rezone the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

Z-6475/PUD-529 January 1995: A request to rezone a 4± acre tract from AG to CS and a proposed Planned Unit Development was made for a mini-storage facility. Staff recommended denial of CS zoning and approval of OL with accompanied PUD. TMAPC and City Council concurred in approval of CS zoning and the PUD on property located north of northwest corner of East 91st Street South and South Memorial Drive.

PUD-360-A September 1989: A request for a Major Amendment to PUD-360 was approved to establish stricter setbacks and landscape requirements within the development standards to be more compatible with the surrounding residential development. This major amendment also reallocated floor area within the PUD. Approval was granted for the amendment on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-448 May 1989: All concurred in approval of a proposed Planned Unit Development on a 32.6± acre tract for mixed use development on property located on northeast corner of East 91st Street South and South Memorial Drive

PUD-360 August 1984: All concurred in a proposed Planned Unit Development on a 20± acre tract, zoned CS/RM-0 for a mixed-use

development on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-298 January 1983: All concurred in approval of a proposed Planned Unit Development on a 120± acre tract of land for a mixed residential development on property located between East 81st Street and East 91st Street off of South Memorial Drive.

PUD-215 August 1982: All concurred in approval of a request for rezoning a 357.79± acre tract of land for residential and commercial development, subject to conditions on property located between 81st and 91st Streets, west of Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2± acres in size and is located east side of South Memorial Drive at East 87th Street. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is surrounded by undeveloped AG zoned property to the north; undeveloped (flood plain) and residentially developed RS-3 zoned property to the east; RM-1/CS/PUD 386 zoned office use to the south; and RS-3 zoned residential development to the west, across Memorial Dr.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Memorial Drive as a Commuter Street.

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

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

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial	120	4 + turn lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as part of a 'Town Center' and an 'Area of Growth'.

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.

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.

STAFF RECOMMENDATION:

Staff finds that the uses and intensities of the proposed rezoning are:

- 1) In-consistent with the Town Center designation of the Tulsa Comprehensive Plan. In this area the plan does not recommend all the uses allowed in a CS district. The north end of the Town Center in this area should include "apartments, condominiums, and townhouses with small lot single family homes at the edges" A Town Center may also contain offices that employ nearby residents. These centers should be pedestrian-oriented centers design so visitors can park once and walk to a number of destinations. Many uses allowed in the CS district are not compatible with the existing development patterns however OL uses would be a more compatible use in this area.
- 2) CS zoning is not completely in harmony with the existing and expected development of surrounding areas. Straight zoning for CS includes Convenience Goods and Services (use Unit 14), Off Street Parking (Use Unit 10), Adult Entertainment Establishments (Use Unit 12a, if included in a mixed use building), Hotel, Motel and Recreation (Use

Unit 19) and other uses that are not in harmony with the surrounding areas.

Therefore, staff recommends **Denial** of the zoning request from AG to CS.

Staff has met with the applicant and determined that the goal for this project is to construct a small office center development with some potential for other uses allowed in an OL district and we therefore recommend **Approval** for rezoning request from AG to OL.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the OL zoning for Z-7227 per staff recommendation.

Legal Description for Z-7227:

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF LOT 1, BLOCK 1, OF HIGHER DIMENSIONS, AN ADDITON TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4851, MORE PARTICULARLY DESCRUBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF HIGHER DIMENSIONS (PLAT # 4851); THENSCE NORTH 00°17' 09" E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 300.00' FEET; THENCE N 89°59'52" E A DISTANCE OF 300.00 FEET; THENCE S 00°17'09" W A DISTANCE OF 300.00 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE S 89°59'52" W, ALONG SAID SOUTH LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF THE BEGINNING.

19. **PUD-566-B – Gary Herman/Bill Briesch**, Location: Northwest corner of West 41st Street and South 57th West Avenue, Requesting a **Major Amendment** to allow additional commercial use facing 57th West Avenue, **CS/OL/PUD-566** (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22693 dated June 18, 2012, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject property:

Z-7205/ PUD-566-A June 2012: This property was approved for this zoning and PUD when it was unincorporated Tulsa County. It was annexed into the City of Tulsa shortly after. All concurred in approval of a request for rezoning a 11.69± acre tract of land from AG to OL/CS and approval of a proposed Planned Unit Development for commercial and office use, on property located northwest corner of West 41st Street and South 57th West Avenue.

CZ-407/ PUD-566-A November 2011: All concurred in denial of a request for rezoning a 11.69± acre tract of land from AG/RS/OL/CS to OL/CS and a Major Amendment to a PUD for office and commercial use, on property located Northwest corner of West 41st Street and South 57th West Avenue and is the subject property. It was appealed to the Board of County Commissioners and they overturned both cases to approve them with conditions.

CZ-237PUD-566 November 1997: A request to rezone a 10± acre tract from AG to RS-3/RM-2/OL and CS with a PUD overlay for a mixed use development, on property located on the northwest corner of West 41st Street South and South 57th West Avenue. Staff recommended denial of the proposed zoning but approval of RS zoning. TMAPC and County Commissioners approved RS/OL/CS zoning with the overlay PUD-566.

Surrounding property:

CBOA-2021 February 18, 2003: The Board of Adjustment approved a Special Exception to allow auto repair and retail tire and accessory sales (Use Unit 17) in a CS district, with condition of an 8' screening fence to the residential district, on property located at 4110 South 61st West Avenue and southwest of subject property.

CBOA-1830 May 15, 2001: The Board of Adjustment approved a Special Exception to permit communications tower, on property located at 6035 West 40th Street and abutting west of subject property.

CBOA-1397 January 18, 1996: The Board of Adjustment approved a Special Exception to permit a church (Use Unit 5), day care and fellowship hall/gymnasium on a 10-acre in an AG district; per plan submitted, on property located at 6035 West 40th Street and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 11.69± acres in size and is located at the northwest corner of West 41st Street and South 57th West Avenue. The property is mostly vacant and is zoned AG. The eastern 1/3 of the property contains a drainage way/floodplain. The hard corner, which is outside the boundary of PUD 588-B, (at West 41st Street South and South 57th West Avenue) contains a doughnut shop.

SURROUNDING AREA: The subject tract is abutted on the east by South 57th West Avenue and then a vacant portion of Walker Heights, a large-lot single-family residential use, zoned RS; on the north by unplatted vacant land, zoned AG; on the south by West 41st Street South and then unplatted property zoned RS with large lot single-family residential uses; and on the west by unplatted property zoned AG with a church and cell tower use. To the northwest of the subject property is Pleasure Acreage 3rd Addition a single-family residential subdivision zoned RS.

UTILITIES: The subject tract has water availability and no sewer available

TRANSPORTATION VISION:

This project is outside the Tulsa Comprehensive Plan however immediately east of South 57th West Avenue the Gilcrease Expressway extension is planned and some of the right of way purchased. The interchange at 41st is a full interchange and will significantly change the character of this area when constructed.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 41 st Street	Primary arterial	120'	4
South 57 th West Avenue	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site was outside the study area included in the Tulsa Comprehensive Plan which was adopted in 2010.

The Vision 2000 Comprehensive Plan considered this area as a low intensity and development sensitive area. The development sensitive area is resulting from the large floodplain area bisecting this site.

At the time that plan was developed the uses permitted in this area were primarily residential and Corridor.

Staff Comment: The anticipated development of this area adjacent to the Gilcrease expressway seemed to be ignored in the previous comprehensive plan. The intersection of the Gilcrease expressway with West 41st Street South would typically be anticipated as a medium intensity commercial node at a full interchange as planned.

STAFF SUMMARY OF PUD 566-B

I. EXISTING DEVELOPMENT CONDITIONS

Plaza 41 Neighborhood Center “Plat with Deed of Dedication and Restrictive Covenants” along with the Planned Unit Development” standards represents the present existing zoning and development requirements. Lot 1 Block 1 has been developed as a retail establishment which meets the existing requirements.

II. DEVELOPMENT CONCEPT

Plaza 41 is a business/office development on a site with accessibility and visibility at a major intersection in west Tulsa. It is located at the northwest corner of West 41st Street South and South 57th West Avenue and is in Tulsa city limits.

The basic layout of the property is fronted by West 41st Street on the south and fronts South 57th West Avenue on the east.

A portion of the east tributary of Berryhill creek runs through the tract, north to south. Berryhill Creek is a small narrow drainage channel which is wider at its northern end than at the south. The Berryhill Creek Floodplain severely restricts development on the east side of this project.

A future expressway (Gilcrease Expressway is planned within 150 feet east of the subject tract. The expressway will not occupy any portion of the subject tract and South 57th West Avenue will continue to exist in its current location separating the future expressway and the subject tract.

The major amendment PUD application is submitted to allow additional commercial use facing 57th West Avenue.

The development concept was formulated in recognition of the good visibility of the site, its excellent regional and local accessibility and the market strength of the area. Quality office and retail uses are established in the area. This trend in development is carried forward in this proposed PUD amendment.

This area provides opportunities for a restaurant or retail sales establishment (or other compatible free standing buildings) which will be one of the principal focal points of Plaza 41. Light office uses are proposed for the north portion of Lot 4, Block 1 of Development Area A which buffers the property to the west and north of Plaza 41. Driveways will be permitted from South 57th West Avenue. Mutual access easements will facilitate access to the north portion of the development area lying west of the creek.

Consistent with the objective of achieving a quality development, landscaping and sign standards have been established. The landscaping concept will incorporate existing trees where feasible and creates within the development areas continuity perimeter image and theme. Design consideration with landscaping and sign standards has been given to the achievement of an attractive view from adjacent streets and from the expressway.

III. DEVELOPMENT AREA STANDARDS

(A) Development Area A 5.396 Acres – 235,636 SF
(Gross Land [Lot 4, Block 1] Area)

(1) Retail Gross Area 1.215 Acres-52,921 SF

Permitted Uses – Retail:

Restaurant and/or retail shipping as permitted within use units 11, 12, 13 and 14 are allowed except no funeral home.

Maximum Floor Area:

Retail Use	15,000 SF
Restaurant Use	7,000 SF

Maximum Building Height 22 feet

Maximum Stories:

1 story, brick or stone veneer on south, west and north face, except at window and door openings.

Minimum Building Setbacks from 100 feet Centerline of South 41st Street South

Off-Street Parking:

As required by applicable use unit of City of Tulsa Zoning Code and as outlined below.

Retail: One space per 225 square feet of floor area.

Restaurant:

One space per 100 square feet of floor area, and one space per 75 square feet of accessory bar area, if any.

Minimum Interior Landscape Open Space:

10% of net area excluding landscaped right-of-way.

(2) Office:

The OL zoned area is proposed for development as light professional and general offices.

Net Area	4.215 Acres – 182,115 SF
Permitted Uses	As permitted by right within an OL District
Maximum Floor Area	23,000 SF
Maximum Building Height	22 feet
Maximum Stories	1 story

Off-Street Parking:

As required by applicable use unit of City of Tulsa Zoning Code.

Minimum Landscaped Open Space:

10% of net area excluding landscaped right-of-way.

Other:

Mutual Access:

Use of both retail and office areas as a single unit with mutual access drives and parking shall be permitted.

Perimeter:

All other development requirements as per PUD-566A remain, except the fence on the west and north property lines of Lot 4 shall be a minimum of six feet in height constructed of wood or masonry. With rigid post spaced at a maximum of ten-foot spacing.

(B) Development Area B:

1.544 Acres – 66,862 SF (gross land area). **(Lot 1, Block 1)**

Permitted Uses:

Restaurant and/or retail shipping as permitted within a CS District. Use units 10, 11, 12, 13 and 14 are allowed except no funeral home.

Maximum Floor Area:

Retail Use 10,000 SF

Restaurant Use 7,000 SF

Maximum Building Height 22 feet

Maximum Stories 1 story

Minimum Building Setbacks from Centerline of:

West 41st Street South 100 feet

Off-Street Parking:

As required by applicable use unit of City of Tulsa Zoning Code.

Retail One space per 225 square feet of floor area.

Restaurant

One space per 100 square feet of floor area, and one space per 75 square feet of accessory bar area, if any.

Minimum Interior Landscaped Open Space:

10% of net area excluding landscaped right-of-way.

Note: Development Area B is now fully developed and in use as a Dollar General Store.

(C) Gross Development Area C:

2.121 Acres – 92,383 SF (**Lots 2 & 3, Block 1**)

Permitted Uses:

Restaurant and/or retail shopping and accessory uses as permitted within use units 11, 12, 13 and 14 are allowed except no funeral home. Maximum Floor Area:

Retail Use 12,000 SF

Restaurant Use 10,000 SF

Maximum Building Height 22 feet

Maximum Stories:

1 story, brick or stone veneer north, south and east face, except at window and door openings.

Minimum Building Setbacks from:

75 feet Centerline of South 57th West Avenue

Off-Street Parking:

As required by applicable use unit of City of Tulsa Zoning Code and as outlined below:

Retail One space per 225 square feet of floor area.

Restaurant:

One space per 100 square feet of floor area, and one space per 75 square feet of accessory bar area, if any.

Minimum Interior Landscape Open Space:

10% of net area excluding landscaped right-of-way.

IV. DEVELOPMENT AREA BOUNDRIES

A preliminary delineation of the development area boundaries is shown on Exhibit A. The final delineation will be established by the final subdivision plat.

V. SCREENING AND LANDSCAPING

A landscaped area having a minimum width of ten feet, exclusive of right-of-way, will be provided along West 41st Street South and South 57th West Avenue frontages, excepting points of access. Landscaping may include parking islands, plazas, and courtyards. A detailed landscaping plan of each development area will be submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC).

Screening and landscaping shall be installed in accordance with an approved phasing schedule or prior to occupancy ("open for business") of a principal building.

Trash enclosures shall be masonry. The gate to the enclosure shall be heavy durable metal and or wood construction.

VI. SIGNS Signs accessory to the principal use within the development shall be permitted, but shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Ground Signs: Ground signs shall be limited to two (2) signs along South 57th West Avenue and three (3) signs along West 41st Street South identifying the establishment therein, and shall be located within the development area. The signs shall not exceed 45 feet in height, nor exceed a display surface area of 64 square feet. No LED, flashing or twinkle signs.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1-1/2 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building, and shall be placed on the front of the building. Location of wall signs in the office use portion of Lot 4 shall be addressed on the site plan and approved by TMAPC.

VII. SITE PLAN REVIEW

Within the development areas, no building permit shall be issued until a detailed site plan, including landscaping plans, have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards.

No certificate of occupancy shall be issued for a building until the landscaping for the applicable principal buildings has been installed in accordance with the approved landscaping plan.

VIII. PLATTING REQUIREMENTS

Necessary revisions shall be made to the existing Plat of Restrictive Covenants to reflect the changes in this Major Amendment (PUD 566B).

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 Planned Unit Development Chapter of the Tulsa Zoning Code;
- 2) Consistent with the Corridor provision of the Vision 2000 Comprehensive Plan.
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of PUD-566-B as outlined in the Staff Summary above and Exhibits A, and B as provided by the applicant.

Mr. Wilkerson stated that Legal advised him that there is no time component on the screening and we have recently had a problem with that in similar PUDs. Mr. Wilkerson recommended an additional requirement that the screening be added as the lots develop on the perimeter of the subject property.

Mr. Walker suggested that the language was too vague. Mr. Wilkerson recommended that the screening be required prior to the issuance of a building permit. Mr. Walker stated that this could be a situation like Lifetime Fitness. Mr. Wilkerson stated that it worked on the fitness center site, but there was a large reserve area that was a part of the overall development and there was never any enforcement on the common area fence to be constructed. In this particular case, if someone decides they would like to build on a lot or a portion of a lot along the boundaries, especially the north and west boundary where there is no common area, they will have to have the screening constructed as part of the building permit process.

Mr. Carnes moved to approve the major amendment per staff recommendation. Mr. Midget seconded.

Mr. Dix suggested that the language be that the screening fence be built prior to the occupancy permit. Mr. Wilkerson stated that would work and the applicant indicated his agreement.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the major amendment for PUD-566-B per staff recommendation, subject to the screening fence being built prior to an occupancy permit being granted.

Legal Description for PUD-556-B:

All of Block 1, Plaza 41 Neighborhood Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

OTHER BUSINESS

Ms. Miller stated that Mr. Tohlen would like to make an introduction.

Mr. Tohlen introduced Doug Duke who will be replacing David Steele's position. Mr. Duke stated that he looked forward to working with the TMAPC.

20. Recommendation for Appeal of the Surface Parking Lot Moratorium in the IDL (for the property located at 313 South Kenosha Avenue) as established in Ordinance No. 22707 and extended by Ordinance No. 22825

STAFF RECOMMENDATION:

Item: Recommendation to City Council for Appeal of the Surface Parking Lot Moratorium in the IDL (for property located at 313 S. Kenosha Ave.) as established in Ordinance No. 22707 and extended by Ordinance No. 22825.

A. Background: On July 14, 2012 Tulsa City Council adopted an ordinance which declared a moratorium on permitting or construction of surface parking lots as a principal use within the Inner Disbursal Loop area of downtown Tulsa. The ordinance states: "During this moratorium, the TMAPC shall hear appeals from owners of the property in the IDL affected by this moratorium and recommend to City Council whether or not to exempt said property, in whole or in part, from the moratorium."

TMAPC staff and City Legal have established a procedure by which to process such appeals. In summary, an applicant must submit the appeal at least 14 days prior to the TMAPC meeting at which the appeal will be heard; notice of this matter at TMAPC shall be by inclusion of the matter on the meeting agenda; TMAPC staff will submit a staff report to the Planning Commission for its consideration; upon consideration, the Planning Commission shall vote to: 1) recommend that the property, in whole or in part, be exempted from the Moratorium, or 2) recommend that the property not be exempted from the moratorium; the TMAPC recommendation shall be transmitted with the appeal to the City Council within 7 days from the date of the TMAPC action.

This application is the first appeal that has been submitted of this moratorium. The applicant and parcel information is as follows:

Applicant:	Lou Reynolds, Eller & Detrich
Subject Property Address:	313 S. Kenosha Ave.
Legal Description:	Lots Seven (7), Eight (8) and Nine (9), Block Twelve (12), HODGE ADDITION

to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 288

Zoning District:

Central Business District (CBD)

Existing Use:

17,853 square foot structure vacant industrial building

B. Applicant's Justification: The applicant intends to develop this site as a parking lot, primarily to serve the adjacent building at 312 S. Lansing Ave.

The applicant states: *"313 S. Kenosha and 312 S. Lansing are adjacent and abut each other with an alley running between them. Both properties contain one-story buildings previously used for industrial purposes.*

The applicant intends to redevelop and convert the existing one-story 19,800 SF building at 312 S. Lansing from an industrial facility to an office building in order to move its business, including 50 plus employees, into such building. Upon the completion of the applicant's redevelopment of 312 S. Lansing, there will be four (4) parking spaces on the property.

313 S. Kenosha is zoned CBD – Central Business District and 312 S. Lansing is zoned IM – Industrial Moderate District. Because 312 S. Lansing is zoned IM, the Tulsa Zoning Code requires the applicant to have 66 parking spaces in order to lawfully occupy such property for offices purposes (i.e., $19,800 \text{ SF} \div 1 \text{ parking space per } 300 \text{ SF} = 66 \text{ parking spaces}$).

In order to support applicant's office use at 312 S. Lansing, applicant intends to raze the one-story industrial building at 313 S. Kenosha and install a parking lot with sixty-four (64) parking spaces, including three (3) handicap parking spaces in the southwest portion of the parking lot. The parking lot will have direct access to and from East 4th Street and indirect access to East 3rd Street through the alley. Bicycle parking will be located on the east side of the building on South Lansing. Between the parking and the adjacent streets, there will be a landscaped perimeter fence with columns. Generous landscape beds are located along the north, west and south perimeter with three landscape beds included within the parking area. New ADA accessible sidewalks will be installed along East 4th Street and South Kenosha. To improve the pedestrian environment, the street walk along East 4th Street and South Lansing will be accented with street trees. The new sidewalk along East Kenosha will not include street trees due to overhead power lines."

Staff Comment: There are several factors that make this development scenario a unique situation relative to the surface parking lot moratorium. It is the applicant's intent to develop 313 S. Kenosha Ave. as the parking area for re development of an existing office building at 312 S. Lansing Ave. The property subject to the appeal (313 S. Kenosha Ave.) and the adjacent property (312 S. Lansing Ave.) are separated by an alley; therefore, the parking use is considered a principal use of this property, rather than an accessory use to the office use that it would actually serve. Also, because 312 S. Lansing Ave. has IM zoning, rather than CBD zoning, parking requirements exist for this site. In order to utilize the existing building on 312 S. Lansing Ave., the provision of adequate parking is necessary.

Ordinance No. 22707 states: "the preservation of downtown structures with historic significance should be the goal rather than their demolition and replacement by surface level parking lots..." An intensive architectural survey was conducted on all structures in the IDL in 2009. The 17,853 square foot structure on the subject property was built in 1935 and appears to be in fair condition. According to the survey, "The building is not eligible for listing on the National Register of Historic Places due to lack of integrity."

The applicant submitted a site plan, lighting plan and screening details. The site plan shows a landscaped perimeter fence with columns intended to screen the parking from S. Kenosha Ave. and E. 4th Street. The site plan also shows new sidewalks along E. 4th Street and S. Kenosha Ave, with street trees only along E. 4th Street. The lighting plan illustrates minimal spillover onto the residential property to the north. The applicant has not indicated how/if the parking lot will be screened from this residential use.

C. Staff Recommendation

The concept behind the staff recommendation centers around the idea that when parking is approved and buildings demolished the streetscape and public right-of-way should be improved to meet the standards visualized in the Downtown Master Plan, Brady Arts District Plan and other visions that have been presented over time within the Inner Dispersal Loop. With that concept stated, staff recommends approval of an exemption from the surface parking lot moratorium for the property located at 313 S. Kenosha Ave., subject to the conceptual site plan provided by the applicant (including the improvements shown on the building side of the alley) with the following detailed recommendations:

- ~~1. Lighting as shown is appropriate except that the existing light pole with lights facing the parking lot shall be removed.~~

- ~~2. Minimum 6' masonry and galvanized steel screening fence, similar in style to the existing fencing system, shall be placed along the entire north property line where the existing building wall removal exposes the north property to the new parking area. The applicant has not shown any screening fence along the north boundary.~~
3. All public concrete sidewalk will be removed and replaced to meet or exceed minimum City Standards and as illustrated on the Conceptual Plan.
4. Remove, replace or install all curb within the street right of way, adjacent to the parking and building site along South Lansing Ave., East 4th Street South and South Kenosha Ave. All construction shall meet or exceed minimum City Standard Curb systems.
5. All street trees shall be a minimum 2.5" caliper and 10' height and shall be planted and maintained similar to the conceptual plan provided however a minimum of three additional street trees in the green strip between the curb and sidewalk in the South Kenosha Avenue right of way shall be planted and maintained.
6. Remove and replace all concrete approaches to alley, drives and parking areas.
7. Provide ADA compliant ramps as required in public right of way.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he is in agreement with the staff recommendation except for two items. Mr. Reynolds submitted a revised site plan to replace agenda page 20.9. Mr. Reynolds requested that Items 1 and 2 of the staff recommendation be deleted from the proposal.

Mr. Reynolds explained that his client is adding three trees along the west side of the subject property along Kenosha. Mr. Reynolds said they didn't put trees there because there are overhead power lines, but he will put crepe myrtles along there.

Mr. Reynolds stated that staff requested that his client extend the neighbor's fence with the same type of materials that they have up to six feet in height. Mr. Reynolds further stated that he objects to that and aren't willing to do so. Mr. Reynolds explained that he has met with the

neighbor and they are delighted with the project. There is a 40-foot gap along the north boundary of the neighbor's property and they have agreed to build some type of a mesh screening there if the applicant would plant holly trees and his client has agreed to plant 16 holly trees that will be six to eight feet in height at the time of planting. Mr. Reynolds stated that there is no screening required per the Zoning Code and what is being proposed exceeds parts of the Code and probably the nicest downtown parking lot in the City of Tulsa.

Mr. Reynolds stated that the alley will remain a public alley and for safety purposes the PSO light needs to remain.

Mr. Reynolds stated that other than these issues his client is in agreement with the staff recommendation. Mr. Reynolds requested that the Planning Commission approve the request as submitted and as recommended by staff except for Items 1 and 2 and approve per the modified site plan for page 20.9 as submitted.

TMAPC COMMENTS:

In response to Mr. Walker, Mr. Reynolds indicated that light pole that staff requests to be removed and explained that the fence in question was never finished by the neighbors because it was too expensive.

Mr. Perkins asked if there was any reason for getting rid of the light pole, that is odd and maybe there is something he is missing. Mr. Reynolds stated that he believes that staff was trying to make sure that there wasn't any light bleed-over into the residential area. Mr. Reynolds explained that the neighbors like his screening concept because the holly trees will grow up to approximately 20 feet in height and staff didn't have this additional landscaping component that is being submitted today. Mr. Reynolds stated that the revised site plan was made after seeing the staff recommendation.

Mr. Leighty asked Mr. Reynolds if he has any feedback from the City Council regarding this request. Mr. Reynolds stated that this request will be transmitted to the City Council after the Planning Commission makes a decision.

Mr. Shivel stated that he drives by this property every time he comes to the Planning Commission meetings and this proposal will be a dramatic improvement.

Mr. Leighty stated that downtown doesn't need more surface parking and he supports the City Council. Surface parking is not what is needed to make downtown Tulsa the better place. There are other areas that could

be developed first and has existing parking. Mr. Leighty cannot surface parking and he believes it is insane for us to try and do that.

Mr. Midget stated that this particular site is isolated and he believes it is unique for this site. The point is that were it not for the alley they could do a lot-combination. Mr. Midget further stated that to the Council's credit and their wisdom they decided that, although they understood the proliferation of surface parking lots, they brought it to the Planning Commission so that it can be looked at the situation, such as this one, and then make a recommendation to the City Council. Mr. Midget pointed out that this is the first appeal since the moratorium was put in place.

Mr. Reynolds stated that his client could have replatted the property as one lot and skipped this process, but his client is trying to comply with the City's process and be a good neighbor. Mr. Reynolds further stated that there are no parking places near the subject property to take advantage of if his client wanted to. Mr. Reynolds commented that this will be the nicest surface parking lot in town. Mr. Leighty stated that a nice surface parking lot is an oxymoron. Mr. Reynolds pointed out the proposed sidewalk, landscaping, etc. Mr. Reynolds stated that the truth of the matter is that there are not too many parking spaces the problem is too few cars in the downtown area. Downtown needs more jobs and when one looks at this from a developer's prospective and seeing a parking lot it looks like an easier thing to move into rather than tearing down old buildings. Mr. Leighty asked Mr. Reynolds if he was aware that the City of Tulsa was just awarded the No. 1 parking desert in the United States. Mr. Reynolds stated that he saw that from an online group. Mr. Leighty stated that when planners come into Tulsa we are a laughing stock and they can't believe what they see and it is deplorable. Mr. Leighty further stated that adding to it will not solve anything.

Mr. Walker asked Mr. Reynolds if he has had any discussion with the retailers and restaurants along 3rd Street to share the parking lot. Mr. Reynolds stated that he has talked with a few and are willing to make the parking available to anyone wanting to lease it and then provide insurance on the commercial general liability policy. In terms to have it opened for anyone and take a chance of being sued by someone hurt on the property is not an option.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-2-0** (Carnes, Covey, Dix, Liotta, Midget, Perkins, Shivel, Walker "aye"; Leighty, Stirling "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the appeal of the surface parking lot moratorium in the IDL for the property located at

313 South Kenosha Avenue as established in Ordinance No. 22707 and extend by Ordinance No. 22825 per staff recommendation, subject to removing Items 1 and 2 from the staff recommendation and subject to revised site plan (Exhibit A-2), which replaces page 20.9 of the agenda packet for 5/15/13. (Language underlined has been added and language with a strike-through has been deleted.)

21. Commissioners' Comments

None.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **ADJOURN** TMAPC meeting No. 2650.

There being no further business, the Chair declared the meeting adjourned at 3:10 p.m.

Date Approved:

6/5/13



R. Borden Perkins
Acting Chairman

Chairman

ATTEST:


Secretary