

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2656

Wednesday, August 21, 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
Carnes		Bates	Duke, COT
Covey		Fernandez	Edmiston, Legal
Dix		Huntsinger	VanValkenburgh, Legal
Edwards		Miller	Warrick, COT
Leighty		Walker	
Liotta		White	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 16, 2013 at 9:05 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Walker stated that Dwayne Wilkerson's son was in an accident last night and our thoughts and prayers are with him.

Mr. Walker announced that there is a work session following today's meeting on the 10th Floor, North Conference room.

Director's Report:

Ms. Miller reported on the City Council agenda items and upcoming agenda items for work sessions.

Ms. Miller stated that today's work session is scheduled to start at 2:30 p.m., but obviously it can't begin until the TMAPC regular meeting is completed.

Proposed Revisions to the Fee Schedule

Ms. Miller proposed a revised fee schedule and explained that there has been a need for a while to relook at some of the fees and there is probably a need to look all of the fees but these were the critical ones. Ms. Miller explained the revised fees and new fees added.

Mr. Edwards requested a spread sheet comparing the proposed fees with other cities in the surrounding area or comparable size of Tulsa.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to set a hearing date for the proposed revised fee schedule for September 4, 2013.

* * * * *

1. Minutes:

Approval of the minutes of August 7, 2013 Meeting No. 2655

On **MOTION** of **CARNES**, the TMAPC voted 10-0-1 (Carnes, Dix, Edwards, Leighty, Liotta, Midget Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Covey "absent") to **APPROVE** the minutes of the meeting of August 7, 2013, Meeting No. 2655.

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CONSENT AGENDA

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

2. **LC-514** (Lot-Combination) (County) – Location: Northwest corner of East 136th Street South and South 123rd East Avenue
3. **QuikTrip 0041 Addition – Final Plat**, Location: Northwest corner of I-44/Skelly Drive and South Harvard Avenue (9329) (CD-9)

STAFF RECOMMENDATION:

This plat consists of one lot and one block on 2.8 acres.

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

4. **BancFirst 56th & Lewis Addition – Partial Vacation of Plat and Termination of Deed of Dedication and Restrictive Covenants** – Union Bank Addition, Location: North of northeast corner of East 61st Street South and South Lewis Avenue (9332) (CD-9)

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2 through 4 per staff recommendation.

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Items 5, 6, 7 and 8 are related items:

COMPREHENSIVE PLAN PUBLIC HEARINGS

5. **CPA-5 – Northwest Passage** - Application to consider adoption of the amendments to the Land Use Map in the Tulsa Comprehensive Plan (CD-1) (Continued from July 24, 2013)

STAFF RECOMMENDATION: **COMPREHENSIVE PLAN LAND USE MAP AMENDMENT REQUESTS**

Northwest Passage (CPA-5)

I. PROPERTY INFORMATION AND LAND USE REQUEST

Request 1:	Request 2:
Existing Land Use: <i>New Neighborhood (25.8 ac.) and Neighborhood Center (96.94)</i>	Existing Land Use: <i>New Neighborhood</i>
Proposed Land Use: <i>Town Center</i>	Proposed Land Use: <i>Employment</i>
Location: N & S of the Gilcrease Parkway, from N. 41st W. Ave. to the SE corner of Gilcrease Parkway and N. Gilcrease Museum Rd	Location: SW corner of Osage Dr and Gilcrease Parkway
Size: approx. 122.74 acres	Size: approx. 23.21 acres
Staff Recommendation: Approval	Staff Recommendation: Denial Approval

A. Background

The requested land use amendments are concurrent with rezoning applications Z-7237 and Z-7238, and a PUD major amendment application (PUD-624-A). There are two different land use amendment requests in this application. This staff report provides a summary of both requests and staff recommendations.

Northwest Passage (a total of approx. 661 acres) was approved for a mix of uses in PUD-624 in February, 2000 under the previous Comprehensive Plan. The PUD included various uses: single-family, multifamily, commercial, open space, sports complex, community center, daycare, senior care, and school campus. Since that time, the only development that has occurred is single family, located in the southern portion of the PUD. The portions of the PUD subject to the Comprehensive Plan amendment requests remain undeveloped.

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, this area was designated as an *Area of Growth*:

“The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement 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.”

The *Neighborhood Center* and *New Neighborhood* land use designations were assigned to the area subject to the amendment requests at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

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

“The **New Neighborhood** Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.”

B. Land Use Designations

The applicant is proposing to introduce two new land uses on this site as part of the amendment requests: *Town Center* and *Employment*.

“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 number of destinations.”

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

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

C. Zoning and Surrounding Uses:

Request 1: *New Neighborhood* and *Neighborhood Center* to *Town Center*

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	Unincorporated Osage County	Gilcrease Parkway r-o-w, scattered residential and agricultural uses
South	AG, RS-3/PUD-624, RM-1/PUD-624, CS/PUD-624	<i>New Neighborhood, Neighborhood Center,</i>	vacant
East	RS-3/PUD-624, RM-1/PUD-624, CS/PUD-624	<i>New Neighborhood</i>	vacant/conservation area
West	AG, RS-3/PUD-624, RM-1/PUD-624	<i>Neighborhood Center, New Neighborhood</i>	scattered residential and agricultural uses

Request 2: *New Neighborhood* to *Employment Center*

Location	Zoning	Existing Land Use Designation	Existing Use
North	AG	Unincorporated Osage County	Gilcrease Parkway r-o-w scattered residential and agricultural uses
South	RS-3/PUD-624, RM-1/PUD-624	<i>New Neighborhood</i>	vacant
East	CS, IL	<i>New Neighborhood</i>	Osage Drive, 44 acre site under construction for an industrial use (Use Unit 25 - welding shop)
West	RS-3/PUD-624	<i>New Neighborhood</i>	vacant/conservation area

D. Applicant's Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. how conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. how changes have impacted the subject site to warrant the proposed amendment; and
3. how the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

"The proposed Comprehensive Plan Amendment has been brought about due to boundary changes to the PUD this request affects and more importantly, changes to the alignment of the Gilcrease Expressway, which bisects the northern portion of the affected PUD (Northwest Passage- PUD 624). The current alignment of the Gilcrease Expressway has shifted south from its original alignment and has created a substantial change in the amount of developable area available on the north side of the Gilcrease Expressway. The PUD now has a significant amount of frontage on both sides of the Gilcrease Expressway, which lends itself to higher intensity types of development in this area of the PUD. There is approximately 5,420 LF of frontage along the north side of the Gilcrease Expressway and over 7,280 LF of frontage on the south side. This frontage will be provided access by the proposed service roads for the expressway. The Tulsa Comprehensive Plan's "Growth and Stability Plan" shows the entire PUD as an "Area of Growth" and while the Land Use Plan designates a portion of the Gilcrease Expressway frontage area as "Neighborhood Center", and the remainder as "New Neighborhood", it is felt that a higher mixed use intensity is warranted and needed for this and the surrounding area. The Comprehensive Plan Amendment requests Town Center and Employment Land Uses along the majority of the Gilcrease Expressway frontage (see Exhibit 'A' – Comprehensive Plan Amendment). There are 122.74 acres, divided into four separate tracts, of "Town Center" and 23.21 acres allocated to one tract of "Employment" land uses. The remaining portion of the PUD fronting on the Gilcrease Expressway is part of a Conservation Easement and devoted to Open Spaces.

There are a number of benefits in developing these areas along the Gilcrease Expressway at a higher intensity use. In addition to creating a buffer for the residential uses and shifting these uses away from the Gilcrease Expressway, the economic stimulus that

would be provided by these proposed higher intensity uses would have a positive impact on the immediate and surrounding areas, in terms of new jobs created and sales tax revenues and new demand for housing.”

E. Staff Response:

Request 1: *New Neighborhood* and *Neighborhood Center* to *Town Center* Conditions relating to the subject site (since the PUD was approved in 2000) have changed based on the realignment of the Gilcrease Parkway. Initially when the PUD was approved and land use designations assigned to the site, the alignment for the Gilcrease Parkway formed the northern boundary of the site. With the adoption of the Tulsa Comprehensive Plan in 2010, *Neighborhood Center* designations were assigned to the northwestern portion of the PUD, which was on the edge of the *New Neighborhood* area at that time.

The change in the alignment of the Gilcrease Parkway has impacted the northwestern portion of the subject site to warrant the amendment request from *Neighborhood Center* to *Town Center*. Once the alignment of the Gilcrease Parkway moved further south, this portion of the subject site was bisected. Because of its significant frontage to the north and south of the Gilcrease Parkway, and resulting isolated properties to the northwest, the smaller scale *Neighborhood Center* designation is no longer appropriate. The *Town Center* designation exists along and straddles many of the expressways in the City of Tulsa and would be appropriate in this situation.

The proposed amendment from “*Neighborhood Center*” to “*Town Center*” will contribute to the surrounding area by providing commercial opportunities in a location of the City where they are currently lacking. The Tulsa Comprehensive Plan supports this land use as stated in Land Use Priority 3 in the Comprehensive Plan (p. LU 81):

“Goal 9 - Tulsa North’s economy is at least as robust, sustainable and as stable as the remainder of Tulsa’s economy”

Comprehensive Plan Policy 9.1 (p. LU 81) states the need to focus planning and reinvestment in the Tulsa North area to provide opportunities for citizens and businesses to improve economic stability. A *Town Center* in the proposed location could support these opportunities in the area.

Request 2: *New Neighborhood* to *Employment Center*

This area subject to the *Employment land use designation* request was assigned a *New Neighborhood* designation at the time of adoption of the Tulsa Comprehensive Plan in 2010. Unlike the area subject to the *Town Center* request on the northwestern portion of the PUD, the Gilcrease

Parkway alignment did not change on this (the northeastern portion) of the PUD.

Several factors have been identified that do not support an *Employment* land use designation at this location. The steep terrain of this site (see photos on page 7 & 8) contributes to the natural beauty and character of the area. Comprehensive Plan Policy 9.2 (p. LU 82) states the need to enhance the quality of the built and natural environment in North Tulsa. The location of the proposed “Employment” designation would not enhance this PUD, rather it would utilize an important natural feature for industrial space, rather than for quality residential uses. Adding a component of industrial character to Northwest Passage would not enhance the economic viability and quality of life of residents and businesses in the area. However, since the applicant has amended the associated rezoning of the site for office uses, rather than industrial uses, an *Employment* land use designation can be supported.

Employment areas, as defined in the Comprehensive Plan, require access to major arterials or interstates. The Major Street and Highway Plan (MSHP) designates the segment of Gilcrease that forms the northern boundary of the site as a Parkway. Osage Drive, which forms the eastern boundary of the site, is classified as a Secondary Arterial in the MSHP. Another transportation issue related to this request is that access into the site by industrial traffic (truck traffic) could be hindered by the steep terrain.

There does not appear to be any direct relationship or resulting negative impacts of the existing *Employment* designation to the north and the IL zoning to the east to this site because of the significant separation. When the 44 acre IL zoned property to the east of the site across Osage Drive was rezoned in 2011, it was noted that an industrial use on the 44 acre site would not negatively impact the surrounding residential areas because of the separation. Therefore, there is no need to create additional employment uses on the subject site to buffer from the adjacent industrial site.

SITE PHOTOS



**Looking south at the site
(area subject to the Employment land use designation
request)**



**Heading west on Gilcrease Parkway -
subject site to the south (left)**

II. STAFF RECOMMENDATION

Staff recommends APPROVAL of request 1: *New Neighborhood and Neighborhood Center to Town Center*

Staff recommends ~~DENIAL~~ APPROVAL of request 2: *New Neighborhood to Employment Center*

INTERESTED PARTIES COMMENTS:

Cindy Hutchins, 3075 North 41st West Avenue, 74127, submitted letters and photographs of the subject area (A-1), stated that she is speaking to Request No. 1 of the CPA-5. Ms. Hutchins stated that the subject section is designated by the City as a parkway and is the only portion of the Gilcrease Expressway that is considered a parkway. Ms. Hutchins explained that she was a part of the public hearings for the design of the expressway and the City stated that they were making a commitment to the subject area to make it a parkway. There were several reasons for the

parkway: 1) it will not allow large signs to be put up; 2) speed limits were be lowered through the subject area; 3) the parkway will be below grade to preserve the natural beauty and assets of the subject area and to decrease the noise level. Ms. Hutchins expressed concerns with the designation of Town Center due to the allowable heights of buildings, density, etc. Ms. Hutchins stated that she would prefer that the subject area remain in the neighborhood center designation. Ms. Hutchins stated that with the neighborhood center designation there could still be commercial development and create jobs, and lower building heights.

Janice Hobleman, 3005 North 41st West Avenue, 74127, stated that she agrees with Ms. Hutchins comments and the beauty of the subject area should be preserved. Ms. Hobleman stated that it should remain in the neighborhood center designation. Higher building heights will diminish the beauty of the subject area. Ms. Hobleman expressed concerns with a higher density.

Mr. Midget suggested that the Planning Commission hear all three items that are related before voting on them individually.

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-1-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CPA-5 – Northwest Passage amendments to the Land Use Map in the Tulsa Comprehensive Plan per staff recommendation.

PUBLIC HEARINGS:

6. **Z-7237 – Tulsa Engineering & Planning Assoc., Inc./Tim Terral/Northwest Passage**, Location: Five parcels of land on the north and south side of the Gilcrease Parkway between North 41st West Avenue and North Osage Drive. All the parcels are in Osage County within the City Limits of Tulsa, Requesting rezoning from **AG/RS-3/RM-1 to CS**, (CD-1) (Related to Z-7238 and PUD-624-A) (Continued from July 24, 2013)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19753 dated February 18, 2000; 11918 dated September 1, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-624 February 2000: All concurred in approval of a proposed Planned Unit Development on a 661± acre tract of land for a mixed use development including single-family, multifamily, commercial, open space, sports complex, community center, daycare, senior care, and school campus, on property located on the north side of West Apache Street, west of Osage Drive and extending north and extending west to 41st West Avenue, also known as the subject tract.

PUD-565 July 1997: Staff and TMAPC recommended approval of the Planned Unit Development (Northwest Passage), for a mixed use development which included single-family residential, townhomes, apartments, commercial development and a golf course, subject to conditions and the deletion of Use Unit 12A. The file was transmitted to City Council for final action; however, the applicant requested that the PUD be put on hold. After a year, of being on hold, City Council sent it back to staff and applicant withdrew the application, on the subject tract.

BOA-14308 November 20, 1986: The Board of Adjustment approved a Special Exception to allow for a portable ready-mix concrete batch plant, on a temporary basis in a CS district; subject to a time limit of 1 year, on property located at the northeast corner of West Apache Street and North Osage Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject properties total approximately 82± acres in size and are located north and south of the Gilcrease Parkway between North 41st West Avenue and North Osage Drive. The properties are all wooded with significant terrain considerations. All are undeveloped and are currently zoned AG, RS-3 and RM-1.

SURROUNDING AREA: The subject parcels are generally surrounded by large lot residential properties which are zoned AG or RS-3 however at least one residential multifamily (RM-1) tract exist west of the proposed extension for Gilcrease Museum Road. A large part of the RM-1 zoning is taken by the parkway right-of-way interchange. The north edge of Tracts 1, 3 and 4 are on the boundaries of the Tulsa City Limits

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

TRANSPORTATION VISION: The Comprehensive Plan designates Gilcrease Parkway as a parkway with a minimum right-of- way width that is much smaller than the current ownership taken by the City of Tulsa. Ultimately the transportation vision for this area, as shown in the Comprehensive Plan, defines the “Gilcrease Expressway” as a freight

corridor which will help disentangle the freight and commuter corridor systems in Tulsa.

The Transportation section of the Comprehensive Plan; Goal 10 identifies the Gilcrease corridor as “an important element to the future economic growth and development of north and west Tulsa.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North 41 st West Avenue	Secondary Arterial	100'	2
Gilcrease Parkway	Parkway	150'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject tracts are a mix of Neighborhood Center and New Neighborhood areas however the Comprehensive Plan did not recognize the large parcels that were affected by the Gilcrease Parkway.

A Comprehensive Plan Amendment has been submitted concurrently with this zoning application changing the vision for all of these parcels to be considered as a Town Center.

Staff has recommended approval for the Town Center designation for these areas therefore we have analyzed this zoning request from the Town Center Perspective.

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 number of destinations.

Staff Comment: The requested CS zoning can be supported as an underlying zoning designation inside a PUD. The CS zoning request is not appropriate unless the anticipated approval for Town Center designation is approved.

All parcels are included in an area of growth:

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips.

Areas of Growth are parts of the city where general agreement 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 Comment: The proposed CS zoning and Comprehensive Plan revisions are all consistent with the Area of Growth Vision for the area.

STAFF RECOMMENDATION:

The CS zoning request will be consistent with the Comprehensive Plan only if the Comprehensive Plan amendments as submitted concurrently with this request is approved.

The future vision of the Gilcrease corridor is defined in the Comprehensive Plan as an important element for growth in north and west Tulsa. CS zoning along the corridor is consistent with that vision.

The Parkway designation is an important consideration of this CS zoning request. The requested zoning is an underlying request for a major amendment to the PUD that can enhance the environmental character of this part of Tulsa. The ultimate development of this area should be sensitive to the natural environment of this area.

The zoning request is consistent with the proposed Comprehensive Plan amendments and anticipated future development of this area.

Therefore' staff recommends **APPROVAL** for CS zoning on all five parcels along the Gilcrease Parkway in conjunction with the PUD overlay and Comprehensive Plan amendments.

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CS zoning for Z-7237 per staff recommendation

Legal Description for Z-7237:

Tract 1

A tract of land located in the S/2 of the NW/4 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the northwest corner of the S/2 of the NW/4 of Section 21, T-20-N, R-12-E; Thence N 89°07'55" E along the north line of the S/2 of the NW/4 of Section 21 a distance of 50.02 feet to the "Point of Beginning"; Thence continuing N 89°07'55" E along the north line of the S/2 of the NW/4 of Section 21 a distance of 2432.33 feet to the northerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 58°55'04" W along the northerly right of way of said Parcel 19.0 a distance of 966.90 feet; Thence S 81°22'27" W along the northerly right of way of said Parcel 19.0 a distance of 168.24 feet; Thence S 58°01'55" W along the northerly right of way of said Parcel 19.0 a distance of 235.64 feet to a non-tangent curve to the right; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the right with a central angle of 08°12'15", a radius of 3608.71 feet, an arc length of 516.74 feet, a chord bearing of S 73°03'12" W and a chord length of 516.30 feet; Thence S 77°09'20" W along the northerly right of way of said Parcel 19.0 and tangent to the previous curve a distance of 717.68 to a point 100.00 feet east of as measured perpendicular to the west line of the NW/4 of Section 21; Thence N 00°21'52" E parallel with and 100.00 east of as measured perpendicular to the west line of the NW/4 of Section 21 and along the northerly right of way of said Parcel 19.0 a distance of 273.94 feet; Thence N 04°02'53" W along the northerly right of way of said Parcel 19.0 a distance of 389.93 feet; Thence N 04°02'37" W along the northerly right of way of said Parcel 19.0 a distance of 260.11 feet to the "Point of Beginning". Said tract contains 1,355,754 square feet or 31.1238 acres. **Tract 2** A tract of land located in the N/2 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the southwest corner of the NW/4 of Section 21, T-20-N, R-12-E; Thence N 88°34'12" E along the south line of the NW/4 of Section 21 a distance of 1291.63 feet to the west line of the SE/4 of the NW/4 of Section 21, also being the southerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office and the "Point of Beginning"; Thence N

00°25'53" E along the west line of the SE/4 of the NW/4 of Section 21 and the southerly right of way of said Parcel 19.0 a distance of 82.01 feet; Thence N 71°12'17" E along the southerly right of way of said Parcel 19.0 a distance of 113.29 feet; Thence N 68°42'53" E along the southerly right of way of said Parcel 19.0 a distance of 575.81 feet; Thence N 60°27'21" E along the southerly right of way of said Parcel 19.0 a distance of 750.18 feet to the west line of the NE/4 of Section 21; Thence N 63°22'30" E along the southerly right of way of said Parcel 19.0 a distance of 333.84 feet to a tangent curve to the left; Thence along the southerly right of way of said Parcel 19.0 and along a tangent curve to the left with a central angle of 03°23'06", a radius of 5870.02 feet, an arc length of 346.80 feet, a chord bearing of N 61°40'57" E and a chord length of 346.74 feet to a tangent reverse curve to the right; Thence along the southerly right of way of said Parcel 19.0 and along a tangent reverse curve to the right with a central angle of 13°23'32", a radius of 5590.00 feet, an arc length of 1306.59 feet, a chord bearing of N 66°41'10" E and a chord length of 1303.62 feet to the westerly right of way of Parcel 37.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 24°23'22" E along the westerly right of way of said Parcel 37.0 and not tangent to the previous curve, a distance of 252.43 feet; Thence parallel with and 250.00 feet southerly of said Parcel 19.0 and along a non-tangent curve to the left with a central angle of 13°45'30", a radius of 5340.00 feet, an arc length of 1282.29 feet, a chord bearing of S 66°52'09" W and a chord length of 1279.21 feet to a tangent reverse curve to the right; Thence continuing parallel with and 250.00 feet southerly of said Parcel 19.0 and along a tangent reverse curve to the right with a central angle of 03°23'06", a radius of 6120.02 feet, an arc length of 361.56 feet, a chord bearing of S 61°40'57" W and a chord length of 361.51 feet; Thence S 63°22'30" W continuing parallel with and 250.00 feet southerly of said Parcel 19.0 and not tangent to the previous curve, a distance of 461.88 feet to the east line of the NW/4 of Section 21; Thence S 00°30'13" W a distance of 384.36 feet to the southeast corner of the NW/4 of Section 21; Thence S 88°34'12" W along the south line of the NW/4 of Section 21 a distance of 1291.63 feet to the west line of the SE/4 of the NW/4 of Section 21 and the "Point of Beginning". Said tract contains 953,605 square feet or 21.8918 acres.

Tract 3 A tract of land located in the NW/4 of the NE/4 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Beginning at the northwest corner of the NE/4 of Section 21, T-20-N, R-12-E; Thence N 89°41'58" E along the north line of the NE/4 of Section 21 a distance of 723.09 feet; Thence S 01°07'31" E a distance of 858.02 feet to the northerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, and a not-tangent curve to the left; Thence along the northerly right of way of said Parcel

19.0 and a non-tangent curve to the left with a central angle of $03^{\circ}55'54''$, a radius of 7739.29 feet, an arc length of 531.08 feet, a chord bearing of $S\ 60^{\circ}53'01''\ W$ and a chord length of 530.97 feet; Thence $S\ 58^{\circ}55'04''\ W$ along the northerly right of way of said Parcel 19.0 and tangent to the previous curve a distance of 335.42 feet to the west line of the NE/4 of Section 21; Thence $N\ 00^{\circ}29'59''\ E$ along the west line of the NE/4 of Section 21 a distance of 1285.64 feet to the "Point of Beginning". Said tract contains 785,919 square feet or 18.0422 acres. **Tract 4** A tract of land located in the NE/4 of the NE/4 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the northwest corner of the NE/4 of Section 21, T-20-N, R-12-E; Thence $N\ 89^{\circ}41'58''\ E$ along the north line of the NE/4 of Section 21 a distance of 1717.88 feet to the "Point of Beginning"; Thence continuing $N\ 89^{\circ}41'58''\ E$ along the north line of the NE/4 of Section 21 a distance of 745.00 feet to the northerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence $S\ 14^{\circ}47'12''\ E$ along the northerly right of way of said Parcel 19.0 a distance of 168.78 feet; Thence $S\ 26^{\circ}17'31''\ W$ along the northerly right of way of said Parcel 19.0 a distance of 67.11 feet; Thence $N\ 82^{\circ}40'46''\ W$ along the northerly right of way of said Parcel 19.0 a distance of 429.13 feet to a non-tangent curve to the left; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the left with a central angle of $01^{\circ}49'11''$, a radius of 7903.31 feet, an arc length of 251.02 feet, a chord bearing of $S\ 72^{\circ}46'08''\ W$ and a chord length of 251.00 feet; Thence $N\ 21^{\circ}14'43''\ W$ and not tangent to the previous curve a distance of 256.56 feet to the "Point of Beginning". Said tract contains 144,871 square feet or 3.3258 acres. **Tract 5** A tract of land located in the NW/4 of the NW/4 of Section 22, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the most southerly corner of Parcel 22.0 Tract 1, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence $N\ 00^{\circ}21'53''\ E$ along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 140.81 feet to the "Point of Beginning"; Thence continuing $N\ 00^{\circ}21'53''\ E$ along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 206.58 feet; Thence $N\ 38^{\circ}51'53''\ E$ along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 78.26 feet; Thence $N\ 77^{\circ}21'53''\ E$ along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 621.86 feet; Thence $N\ 62^{\circ}47'11''\ E$ along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 169.61 feet; Thence $S\ 47^{\circ}35'42''\ E$ a distance of 357.13 feet; Thence $S\ 77^{\circ}21'53''\ W$ a distance of 1098.36 feet to the "Point of Beginning". Said tract contains 248,450 square feet or 5.7036 acres.

7. **Z-7238 - Tulsa Engineering & Planning Assoc., Inc./Tim Terral/Northwest Passage**, Location: Southwest corner of Gilcrease Parkway and North Osage Drive, Requesting rezoning from **RM-1 to OM**, (CD-1) (Related to Z-7237 and PUD-624-A) (Continued from July 24, 2013)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19753 dated February 18, 2000; 11918 dated September 1, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-624 February 2000: All concurred in approval of a proposed Planned Unit Development on a 661± acre tract of land for a mixed use development including single-family, multifamily, commercial, open space, sports complex, community center, daycare, senior care, and school campus, on property located on the north side of West Apache Street, west of Osage Drive and extending north and extending west to 41st West Avenue, also known as the subject tract.

PUD-565 July 1997: Staff and TMAPC recommended approval of the Planned Unit Development (Northwest Passage), for a mixed use development which included single-family residential, townhomes, apartments, commercial development and a golf course, subject to conditions and the deletion of Use Unit 12A. The file was transmitted to City Council for final action; however, the applicant requested that the PUD be put on hold. After a year, of being on hold, City Council sent it back to staff and applicant withdrew the application, on the subject tract.

BOA-14308 November 20, 1986: The Board of Adjustment approved a Special Exception to allow for a portable ready-mix concrete batch plant, on a temporary basis in a CS district; subject to a time limit of 1 year, on property located at the northeast corner of West Apache Street and North Osage Drive.

Surrounding Property:

Z-7189 February 2012: All concurred in denial of a request for rezoning a 44± acre tract of land from CS to IM, but approval of IL zoning for manufacturing use, on property located on the northeast corner of North Osage Drive and West Apache Street, and is east of subject property across North Osage Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10± acres in size and is located southwest corner of Gilcrease Parkway and North Osage Drive. The property appears to be vacant, and is zoned RM-1.

SURROUNDING AREA: The subject tract is abutted on the east by Osage Drive, zoned IL; on the north by the Gilcrease Parkway then across the parkway mostly undeveloped property, zoned AG; on the south by vacant land, zoned RM-1; and on the west by vacant land, zoned RS-3.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Gilcrease Parkway as a parkway with a minimum right-of-way width that is much smaller than the current ownership taken by the City of Tulsa. Ultimately the transportation vision for this area, as shown in the Comprehensive Plan, defines the “Gilcrease Expressway” as a freight corridor which will help disentangle the freight and commuter corridor systems in Tulsa.

The Transportation section of the Comprehensive Plan; Goal 10 identifies the Gilcrease corridor as “an important element to the future economic growth and development of north and west Tulsa.

There are no special considerations for Osage Drive which defines the east boundary of the Industrial request.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Gilcrease Parkway	Parkway	150	2
North Osage Drive	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject tract is located in an Area of Growth and a New Neighborhood.

The **New Neighborhood** is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Staff Comment: Concurrent with this re-zoning request is a PUD major amendment and a Comprehensive Plan amendment. At this time there is no immediate project planned for the area. The zoning request is a result of the Gilcrease Parkway first phase of construction that has recently opened.

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 Comment regarding concurrent Comprehensive Plan request for an Employment Area

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

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

The employment component of this particular request has been recommended for approval in the comprehensive plan revision only as it relates to the Planned Unit Development request for office, high tech uses, information technology, multi family or other uses allowed by right or exception in the OL zoning district. The staff contends that many industrial uses are not appropriate at this location.

STAFF RECOMMENDATION:

A concurrent request for a revision to The Comprehensive Plan has been submitted for an employment area at this location. This zoning request will be consistent with The Comprehensive Plan only if the requested Plan revision is approved.

The rezoning request is consistent with the anticipated development patterns within the context of a PUD overlay.

The site will require significant terrain modifications and may require access through adjacent property to access the site. Uses at this location will require sensitive treatment for buildings, and vehicular circulation systems.

During the site plan phase of this development significant considerations for the terrain will be an important part of the discussion.

The area is a prime location to establish a high quality gateway to this new development opportunity for north and west Tulsa.

With appropriate consideration for the concurrent Comprehensive Plan amendment and the Planned Unit Development overlay staff is confident that the development of this parcel can be consistent with the expected opportunities for new development in this area of Tulsa and therefore staff recommends **APPROVAL** for the zoning request from RM-1 to OM.

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the OM zoning for Z-7238 per staff recommendation.

Legal Description for Z-7238:

A tract of land located in the N/2 of the NE/4 and the NE/4 of the NW/4 of Section 22, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Beginning at the southeast corner of Parcel 22.0 Tract 2, Gilcrease West Expressway, as recorded in

Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence N 82°47'05" E a distance of 38.49 feet along the westerly right of way line of Parcel 21.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 00°05'14" W along the westerly right of way line of said Parcel 21.0 a distance of 313.24 feet; Thence S 89°25'26" W a distance of 1345.63 feet; Thence N 10°55'55" W a distance of 164.29 feet; Thence N 55°20'48" W a distance of 190.43 feet; Thence N 05°59'03" W a distance of 43.20 feet to the most southerly westerly corner of said Parcel 22.0 Tract 2; Thence N 89°18'28" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 185.06 feet to the west line of the NE/4 of Section 22; Thence continuing N 89°18'28" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 721.13 feet; Thence S 83°14'47" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 207.21 feet; Thence S 88°34'37" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 174.02 feet; Thence N 82°47'05" E a along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 216.01 feet to the "Point of Beginning". Said tract contains 435,600 square feet or 10.0000 acres.

8. **PUD-624-A - Tulsa Engineering & Planning Assoc., Inc./Tim Terral/Northwest Passage**, Location: Between North 41st West Avenue and North Osage Drive, north of West Apache Street/West Young Street, Requesting a **Major Amendment** for proposed boundary changes due to the realignment of the Gilcrease Parkway, from **AG/RS-3/RM-1/OL/CS/PUD-624 to AG/RS-3/RM-1/OL/CS/PUD-624-A**, (CD-1) (Related to Z-7237 and Z-7238) (Continued from July 24, 2013)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19753 dated February 18, 2000; 11918 dated September 1, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-624 February 2000: All concurred in approval of a proposed Planned Unit Development on a 661± acre tract of land for a mixed use development including single-family, multifamily, commercial, open space, sports complex, community center, daycare, senior care, and school campus, on property located on the north side of West Apache Street, west of Osage Drive and extending north and extending west to 41st West Avenue, also known as the subject tract.

PUD-565 July 1997: Staff and TMAPC recommended approval of the Planned Unit Development (Northwest Passage), for a mixed use development which included single-family residential, townhomes, apartments, commercial development and a golf course, subject to

conditions and the deletion of Use Unit 12A. The file was transmitted to City Council for final action; however, the applicant requested that the PUD be put on hold. After a year, of being on hold, City Council sent it back to staff and applicant withdrew the application, on the subject tract.

BOA-14308 November 20, 1986: The Board of Adjustment approved a Special Exception to allow for a portable ready-mix concrete batch plant, on a temporary basis in a CS district; subject to a time limit of 1 year, on property located at the northeast corner of West Apache Street and North Osage Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 500± acres in size and is located between North 41st West Avenue and North Osage Drive, north of West Apache Street/ W. Young St. The property appears to be mostly vacant with some residential use, and is zoned AG/ RS-3/ RM-1/ OL/ CS/ IL/ PUD-624.

SURROUNDING AREA: The subject tract is abutted on the north by agricultural land with scattered single-family homes in Osage County and out of the Tulsa City limits; to the east is vacant land, with some scattered single-family homes, zoned CS; to the west by scattered single-family homes and ranches, zoned AG; and to the south by single-family homes, zoned RS-3 and vacant land, zoned AG.

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

TRANSPORTATION VISION: The Comprehensive Plan designates Gilcrease Parkway as a parkway with a minimum right-of- way width that is much smaller than the current ownership taken by the City of Tulsa. Ultimately the transportation vision for this area, as shown in the Comprehensive Plan, defines the “Gilcrease Expressway” as a freight corridor which will help disentangle the freight and commuter corridor systems in Tulsa.

The Transportation section of the Comprehensive Plan; Goal 10 identifies the Gilcrease corridor as “an important element to the future economic growth and development of north and west Tulsa.

STREETS:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North 41 st West Avenue	Secondary Arterial	100'	2
North Osage Drive	Secondary Arterial	100'	2
West Apache Street/ W. Young St.	Primary Arterial	120'	2
North Gilcrease Museum Road	Secondary Arterial	100'	2
Gilcrease Parkway	Parkway	150'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan in this area is not consistent with the proposed development for a number of reasons however the applicant has submitted a concurrent application for a Comprehensive Plan revision.

A large part of the project is consistent with the current Comprehensive Plan and is all New Neighborhood as defined below:

“The **New Neighborhood** Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.”

The proposed land use designations in the proposed Comprehensive Plan amendment are outlined below:

The applicant is proposing to introduce two new land uses on this site as part of the amendment requests: *Town Center* and *Employment*.

“**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 number of destinations.”

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

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

Staff Comment: The employment component of this particular request has been recommended for approval in the Comprehensive Plan revision only as it relates to the Planned Unit Development request for office, high tech uses, information technology, multi family or other uses allowed by right or exception in the OM zoning district.

PUD TEXT SUMMARY

The applicant has modified the PUD from the original 7.24.2013 hearing date to match the vision of the Comprehensive Plan and to conform closer to the growth vision of the future development of this area.

I. Development Concept *(Referenced Exhibits are attached at the end of the staff report)*

- Exhibit A - Conceptual Development Plan
- Exhibit B - Comprehensive Plan Overlay
- Exhibit C - Proposed Zoning Plan
- Exhibit D - Surrounding Zoning Plan
- Exhibit E - Conceptual Pedestrian Circulation Plan
- Exhibit F - Existing Conditions Plan
- Exhibit G - Slope Analysis
- Exhibit H - Existing Utilities Plan

II. Statistical Summary

III. Development Standards: Single-Family Residential ‘A’

- IV. Development Standards: Single-Family Residential 'B'
- V. Development Standards: Multi-Family
- VI. Development Standards: Community Center
- VII. Development Standards: Office 'A'
- VIII. Development Standards: Office 'B'
- IX. Development Standards: Commercial
- X. Development Standards: Open Space
- XI. Landscaping and Open Space
- XII. Detail Site Plan Review
- XIII. Platting Requirement
- XIV. Expected Schedule of Development

I. DEVELOPMENT CONCEPT

Northwest Passage is a 499.41 acre mixed use development located north of West Young and Apache Streets, east of 41st West Avenue and west of Osage Drive, with Gilcrease Expressway bisecting the northern portion of the PUD site. The site is characterized by rolling terrain with a number of ridge lines and drainageways located throughout the site. In addition, there is significant tree cover over much of the project area. The site lends itself well to a mixed use PUD that can aid in accommodating the site's unique features and characteristics with a variety of appropriate land uses.

Originally approved in 1999, PUD 624 reflected a community composed of an assortment of residential neighborhoods, community facilities, commercial uses and significant open space areas. Two Minor PUD Amendments have been approved since the original 1999 PUD approval. The first Minor Amendment (PUD 624-1) was approved in September 2002 and relocated several land uses on the Conceptual Master Plan and eliminated two land uses approved in the original PUD (Day Care and Sports Complex). While there was a modest increase in commercial floor area, there was a decrease in overall floor area and residential density. The second Minor Amendment (PUD 624-2) was approved in July 2006 and also relocated several land uses on the Conceptual Master Plan and adjusted the Development Standards

for the smallest single-family residential lots. As in the first Minor Amendment, there was also a decrease in overall floor area and residential density. The decrease in floor area was a small decrease in the commercial and school site floor areas. These two Minor Amendments were necessitated by changing market conditions and the local economic environment.

This proposed Major Amendment to PUD 624 (PUD 624-A) reflects boundary changes that were brought about due to certain property no longer owned by the developer being removed from consideration and the realignment of the Gilcrease Expressway. The current alignment of the Gilcrease Expressway has shifted south since the last Minor PUD Amendment and created a substantial change in the amount of developable area on the north side of the Gilcrease Expressway. The PUD now has a significant amount of frontage on both sides of the Gilcrease Expressway, which lends itself to higher intensity types of development in this area of Northwest Passage. There is approximately 5,420 LF of frontage along the north side of the Gilcrease Expressway and over 7,280 LF of frontage on the south side. This frontage will be provided access by the proposed service roads for the expressway, except in areas where there might be topographic issues. The Tulsa Comprehensive Plan's "Growth and Stability Plan" shows the entire PUD as an "Area of Growth" and while the "Land Use Plan" designates a portion of the Gilcrease Expressway frontage area as a "Neighborhood Center", and the remainder as "New Neighborhood", it is felt that a higher mixed use intensity is warranted and needed for this and the surrounding area. There are a number of benefits in developing these areas along the Gilcrease Expressway at a higher intensity use. In addition to creating a buffer for the residential uses and shifting these uses away from the Gilcrease Expressway, the economic stimulus that would be provided by these proposed higher intensity uses would have a positive impact on the immediate and surrounding areas, in terms of new jobs created, higher property and sales tax revenues and new demand for housing. The remainder of the PUD remains essentially unchanged, in terms of land uses, except that the school site, located at the northeast corner of the intersection of West Young Street and Gilcrease Museum Road, is now changed to Neighborhood Center, to reflect the current Tulsa Comprehensive Plan.

Accompanying this Major PUD Amendment request is an application for the re-zoning of 80.08 acres of CS (Commercial Shopping) zoning and 10.00 acres of OM (Office Medium Intensity) zoning. There are currently 21.80 acres of existing underlying CS zoning, which would make for a combined total of 101.88 acres of CS zoning. There is no OM zoned property within the PUD at this time. "Exhibit 'A' -

Conceptual Development Plan” illustrates the proposed locations of the new Commercial/Office and Office Development Areas. All of the proposed Commercial/Office and Office Development Areas front onto the Gilcrease Expressway.

As described in the Tulsa Comprehensive Plan, safe and meaningful interconnectivity and accessibility by both pedestrians and vehicles is very important in a development such as Northwest Passage. “Exhibit ‘D’ - Conceptual Pedestrian Circulation Plan” illustrates the goal of having pedestrian access between the residential development areas, open space areas, the community center and the commercial/office tracts. This will be accomplished by a combination of walking/jogging/bike trails and an internal/external system of sidewalks. Vehicular ingress and egress into the Northwest Passage will be from a variety of arterial streets and expressway service roads - 41st West Avenue, West Young and Apache Streets, Gilcrease Museum Road and Osage Drive.

It is felt that the proposed Major Amendment to Northwest Passage PUD 624 will aid in bringing the plan up to date and allow for a number of very important and exciting things to begin happening in both the short and long term. Northwest Passage is a development that will take a number of years to complete and there is a high likelihood that other amendments will be brought forward in the years to come to address changing markets and economic conditions.

II. STATISTICAL SUMMARY

TOTAL PROJECT AREA:	499.41 Acres
- Single-Family Residential	241.27 Acres
- Multi-Family	31.68 Acres
- Neighborhood Center	13.24 Acres
- Commercial/Office	122.74 Acres
- Office	23.21 Acres
- Community Center	4.00 Acres
- Open Space	63.27 Acres*
TOTAL NUMBER OF DWELLING UNITS:	2,240 DUs
- Single Family Residential (6 DU/acre)**	1,448 DUs
- Multi-Family (25 DU/acre)**	792 DUs
TOTAL PROJECT FLOOR AREA:	1,608,889 SF
- Neighborhood Center (FAR 0.30)	173,020 SF
- Commercial/Office (FAR 0.20)	1,069,311 SF
- Light Office (FAR 0.22)	217,800 SF
- Community Center (FAR 0.10)**	17,424 SF

*Excludes the open space and landscape area that will be required for the individual Development Areas, as set forth in the Development Standards in Sections III through IX.

** Densities are consistent with PUD 624 and the succeeding Minor Amendments (624-1 and 624-2), other densities shown are less.

III. DEVELOPMENT STANDARDS: SINGLE-FAMILY RESIDENTIAL ‘A’
(Development Areas ‘E’, ‘F’, ‘G’, ‘J’, ‘K’, ‘N’, ‘O’ and ‘P’)

Permitted Uses:
Detached single-family residences and customary accessory uses
(Use Unit 6).

Minimum Lot Width:	60 SF
Minimum Lot Size:	6,900 SF
Minimum Building Setbacks:	
- Front Yard	25 feet
- Rear Yard	20 feet
- Side Yards	5 ft./5ft.
- Corner Lot Side Yard	20 feet
Maximum Building Height:	35 feet
Minimum Livability Space per Lot:*	3,500 SF

Other Bulk and Area Requirements:
As established within a RS-3 District

*Livability Space as defined by the City of Tulsa Zoning Code is open space not allocated to off street parking or paved access to off-street parking areas. Livability Space per Lot may take into account and utilize common open space to satisfy this requirement, if necessary.

IV. DEVELOPMENT STANDARDS: SINGLE-FAMILY RESIDENTIAL ‘B’
(Development Areas ‘E’, ‘F’, ‘G’, ‘J’, ‘K’, ‘N’, ‘O’ and ‘P’)

Permitted Uses:
Detached single-family residences and customary accessory uses
(Use Unit 6).

Minimum Lot Width:	50 SF
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Minimum Lot Size:	5,500 SF
Minimum Building Setbacks:	
- Front Yard	20 feet
- Rear Yard	15 feet
- Side Yards	5 ft./5ft. or 0 ft./10ft.*
- Corner Lot Side Yard	15 feet
Maximum Building Height:	35 feet
Minimum Livability Space per Lot:**	2,000 SF
Other Bulk and Area Requirements:	
As established within a RS-4 District	

*Individual developments will have Side Yards of either 5 ft./5 ft. or 0 ft./10 ft., not a combination the two will be allowed unless approved at the Detail Site Plan/Platting stage.

**Livability Space as defined by the City of Tulsa Zoning Code is open space not allocated to off street parking or paved access to off-street parking areas. Livability Space per Lot may take into account and utilize common open space to satisfy this requirement, if necessary.

V. DEVELOPMENT STANDARDS: MULTI-FAMILY (Development Areas 'Q' and 'R')

Permitted Uses:
Multi-Family dwellings and customary accessory uses (Use Unit 8).

Maximum Building Height:	45 feet
Maximum Number of Stories:	3
Minimum Building Setbacks:	
- From an Arterial Street right-of-way	35 feet
- From a Freeway Service Road right-of-way	35 feet
- From Non-Arterial Street right-of-way	25 feet
- From other Development Area Boundary Lines	20 feet
Minimum Livability Space per Dwelling Unit:*	200 SF

*Livability Space as defined by the City of Tulsa Zoning Code is open space not allocated to off street parking or paved access to off-street parking areas. Livability Space per Dwelling Unit may take into account

and utilize common open space to satisfy this requirement, if necessary.

Minimum Off-Street Parking Requirements:
As required by the applicable Use Unit

Other Bulk and Area Requirements:
As established within a RM-1 District

Minimum Landscaped Area:
Landscaping shall meet the requirements of Chapter 10 - Landscape Requirements and Chapter 11 - Planned Unit Development, of the City of Tulsa Zoning Code.

Lighting:
Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining residential properties. No light standard shall exceed 25 feet in height. Lighting shall be so designed that the light producing elements and polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with Section 1303-C of the City of Tulsa Zoning Code will be by application of the Kennebunkport Formula or other IESNA accepted practice and will be verified at detail site plan review by the submission of a detail lighting plan.

VI. DEVELOPMENT STANDARDS: COMMUNITY CENTER
(Development Area 'L')

Permitted Uses:
Residential community center intended for noncommercial use of the residents of the development and may include a principle building and customary recreational facilities (Use Unit 5).

Maximum Building Height: 40 feet

Maximum Number of Stories:

Minimum Building Setbacks:
From Non-Arterial Street right-of-way 25 feet
From other Development Area Boundary Lines 20 feet
From abutting Residential Areas 30 feet

Minimum Off-Street Parking Requirements:
As required by the applicable Use Unit

Minimum Landscaped Area: 15% of net lot area

VII. DEVELOPMENT STANDARDS: OFFICE 'A'
(Development Areas 'A', 'B', 'C', 'D' and 'H')

Permitted Uses: Office, Studio and Support Services (Use Unit 11).

Maximum Building Height: 45 feet

Maximum Number of Stories: 3

Minimum Building Setbacks:

- From an Arterial Street right-of-way 50 feet*
- From a Freeway Service Road right-of-way 50 feet*
- From Non-Arterial Street right-of-way 25 feet*
- From other Development Area*
- Boundary Lines 20 feet*
- From abutting Residential Areas 30 feet*

Minimum Off-Street Parking Requirements:
As required by the applicable use unit

Other Bulk and Area Requirements:
As established in the OM Zoning District

Minimum Landscaped Area: 15% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining residential properties. Lighting shall be so designed that the light producing elements and polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with Section 1303-C of the City of Tulsa Zoning Code will be by application of the Kennebunkport Formula or other IESNA accepted practice and will be verified at detail site plan review by the submission of a detail lighting plan.

VIII. DEVELOPMENT STANDARDS: OFFICE 'B'
(Development Area 'T')

Permitted Uses:

Uses allowed by right or special exception in the OM District, except Use Unit 16. Mini- Storage.

Maximum Building Height: 45 feet

Maximum Number of Stories: 3

Minimum Building Setbacks:

- From an Arterial Street right-of-way 50 0 feet*
- From a Freeway Service Road right-of-way 50 0 feet*
- From Non-Arterial Street right-of-way 25 feet*
- From other Development Area Boundary Lines 20 feet*
- From abutting Residential Areas 30 feet*

Minimum Off-Street Parking Requirements:

As required by the applicable Use Unit

Other Bulk and Area Requirements:

As established in the OM Zoning District

Minimum Landscaped Area: 15% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining residential properties. Lighting shall be so designed that the light producing elements and polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with Section 1303-C of the City of Tulsa Zoning Code will be by application of the Kennebunkport Formula or other IESNA accepted practice and will be verified at detail site plan review by the submission of a detail lighting plan.

IX. DEVELOPMENT STANDARDS: COMMERCIAL/NEIGHBORHOOD CENTER

(Development Areas 'A', 'B', 'C', 'D', 'H' and 'M')

Permitted Uses:

Uses allowed by right or special exception in the CS Zoning District.

Maximum Building Height:35 feet*

*All outdoor advertising shall comply with the standards set forth in the Tulsa Zoning Code under Section 1221. Use Unit 21 - Business Signs and Outdoor Advertising.

Maximum Number of Stories:2

- Minimum Building Setbacks:
- From an Arterial Street right-of-way 50 feet
 - From a Freeway Service Road right-of-way 50 feet
 - From Non-Arterial Street right-of-way 25 feet
 - From other Development Area Boundary Lines 20 feet
 - From abutting Residential Areas 50 feet

Minimum Off-Street Parking Requirements:
As required by the applicable Use Unit

Other Bulk and Area Requirements:
As established within the CS District

Minimum Landscaped Area: 10% of net lot area

Lighting:
Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining residential properties. Lighting shall be so designed that the light producing elements and polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with Section 1303-C of the City of Tulsa Zoning Code will be by application of the Kennebunkport Formula or other IESNA accepted practice and will be verified at detail site plan review by the submission of a detail lighting plan.

X. DEVELOPMENT STANDARDS: OPEN SPACE
(Development Areas ‘I’, and ‘S’)

Permitted Uses: Passive and active open space.

XI. LANDSCAPING AND OPEN SPACE
Within each Development Area landscaping and open space shall meet the requirements of Chapter 10 - Landscape Requirements and Chapter 11 - Planned Unit Development, of the City of Tulsa Zoning Code, in addition to the standards above set forth.

XII. DETAIL SITE PLAN REVIEW

Development Areas may be developed in phases and no building permit shall be issued until a Detail Site Plan 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 development standards of this PUD. No certificate of occupancy shall be issued for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

XIII. PLATTING REQUIREMENT

Development Areas may be developed in phases and 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. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD conceptual site plan and the City of Tulsa shall be a beneficiary thereof.

XIV. EXPECTED SCHEDULE OF DEVELOPMENT

Development of the project is expected to commence and be completed as market conditions permit.

STAFF RECOMMENDATION:

The Planned Unit Development 624-A will be consistent with the Comprehensive Plan only if the Comprehensive Plan revision as submitted concurrently with this request is approved.

The future vision of the Gilcrease corridor is defined in the Comprehensive Plan as an important element for growth in north and west Tulsa. The PUD amendment along the Gilcrease corridor is consistent with that vision with the exception of the industrial use requested.

The parkway designation is an important consideration of this Planned Unit Development Major Amendment request. The requested Planned Unit Development Major Amendment should enhance the environmental and economic character of this part of Tulsa. The ultimate development of this area should be sensitive to the natural environment of this area and provide an opportunity for a development pattern that cannot be found elsewhere in Tulsa.

The PUD request is consistent with the anticipated Comprehensive Plan revisions and anticipated future development of this area.

Therefore, staff recommends **APPROVAL** of PUD 624-A

Ms. Miller stated that there is a limit on the building height in the commercial districts and it as two stories or 35 feet. It is not anticipated to have three or five story buildings as suggested by Ms. Hutchins.

Ms. Miller stated that there is a correction in Development Standards for Office B (Development Area T). The minimum building setbacks from an arterial street right-of-way and freeway service road right-of-way should be 0 feet, rather than the 50 feet.

Applicant's Comments:

Tim Terral, Tulsa Engineering and Planning, 9820 East 41st Street, Suite 102, 74146, stated that he is in agreement with staff recommendation for the Comprehensive Plan Amendment, the rezoning and the PUD. Mr. Terral explained that the realignment of the Gilcrease Expressway is the reason for these applications. Mr. Terral stated that there is approximately 66 acres of developable land north of the expressway and a freeway corridor or parkway corridor is appropriate for the subject area. There are a lot of visual buffers and residents south of the subject property will never see the development. It will also provide jobs for the subject area, higher property values and housing demands.

Mr. Terral stated that the PUD does have a height limitation of two stories or 35 feet for commercial and 45 feet or three stories for the office areas, which is essentially within the neighborhood center height requirements. He explained that he is requesting town center mainly for more potential uses in the subject areas and not so much to load up the intensity. In certain areas the sites will be difficult to develop and his client doesn't want to take anything away from the site regarding its beauty.

Bill LaFortune, 2021 South Lewis Avenue, Suite 335, 74104, stated that he has met with staff and the neighborhood. Mr. LaFortune further stated that there was a major neighborhood meeting through the Gilcrease Homeowners Association and met for over two hours.

Mr. LaFortune stated that the parkway designation caught all of us by surprise after filing the application. He explained that he met with INCOG staff and the explanation for the parkway designation on this segment was due to funding. The vision is to have an expressway in this corridor.

Mr. LaFortune reiterated that the PUD will limit things that the town center commercial zoning might not otherwise limit. Mr. LaFortune stated that there will not be any five-story buildings under the TMAPC approval and recommendation. Town Center designation is found along most expressways in Tulsa in the new Comprehensive Plan. Mr. LaFortune read the definition of Town Center Designation. Mr. LaFortune submitted a letter of support from Councilor Henderson (Exhibit A-2). Mr. LaFortune stated that he met with Clay Byrd from the City of Tulsa and he is in support as well.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. LaFortune stated that the Town Center designation gives more options for development and there is protection with the PUD. Mr. Leighty asked if there is any eminent development on the horizon. Mr. LaFortune stated that the owner wants to begin the process to develop and marketing the subject properties.

INTERESTED PARTIES COMMENTS:

Larry Duke, General Manager, Gilcrease Hills Homeowners Association, 1919 West Seminole Street, 74127, stated that there are 889 homes in northwest Tulsa. Mr. Duke stated that he would prefer that the neighborhood zoning be on the south side and town center zoning on the north side of the expressway. He feels that this would create a better buffer.

Felix Hutchins, 3075 North 41st West Avenue, 74127, stated that he attended all of the meetings that City of Tulsa held regarding the development of the Gilcrease Expressway and he was told all along that it would be a parkway and never intended to be an expressway. The reason that they were going to do this was to preserve the beauty. Mr. Hutchins indicated that he is not opposed to the development and would like to have the shopping conveniences, but the subject area would be better served as a neighborhood center for the lower density. He explained that a PUD can be changed in the future and once the town center designation is there it could be argued to allow the higher buildings.

Mr. Midget asked Mr. Hutchins how he would feel about the proposal Mr. Duke gave with the neighborhood center to the south and the town center to the north. Mr. Hutchins stated that he hasn't had time to digest that and form an opinion. Mr. Midget informed Mr. Hutchins that if a change in the PUD were to ever come up it would have to come back before the Planning Commission and there would be notification given. Mr. Hutchins stated that to him it would appear that it would be a "slam dunk" at that point because the town center would be in place and the town center allows the higher height. Mr. Midget assured Mr. Hutchins that nothing is a slam dunk and this discussion today will be part of the record.

Applicant's Rebuttal:

Mr. LaFortune read the staff recommendations regarding the transportation vision for Gilcrease Expressway in the subject area. Mr. LaFortune stated that the entire subject area is in an area of growth.

TMAPC COMMENTS:

Mr. Leighty stated that this is one of the most beautiful areas in Tulsa County and for that reason he has a real problem going to a higher intensity use on this. Mr. Leighty suggested that there are other places that a town center would work better. Mr. Leighty stated that he has never been a big proponent of the Gilcrease Expressway due to the costs, time and today's world of sustainable development and transportation options. It seems that this is going in the wrong direction and it would be better off to take the money and invest it in more sustainable areas for transit. There would be equal opportunities for commercial development along transit stops. Mr. Leighty stated that it would better to keep the subject area to a lower intensity use and be in a more neighborhood style than what would happen with a higher intensity use. Mr. Leighty stated that he is opposed to the proposed amendments.

Mr. Dix stated that the one thing the subject area needs is commercial businesses. Neighborhoods cannot exist without an anchor. They have to have a town center in order to attract the anchors. Protection on the height protection is two stories and is in the PUD. Without the zoning for town center to attract anchors there will be no development. Mr. Dix indicated he is support of this application.

Mr. Edwards stated that he would like to echo what Mr. Dix is stating. Mr. Edwards further stated that he lives in the subject area and it is about time that someone started looking at developing the subject area. Mr. Edwards commended Mr. Terral, Mr. LaFortune and staff for their work on this application. Mr. Edwards stated that this could have a tremendous affect on the northwest side of Tulsa and would be a great improvement. Mr. Edwards commented that if the PUD were to ever be amended it would have to return to the Planning Commission and these comments will be part of the record. Mr. Edwards indicated that he is in support of the subject proposal.

Mr. Midget stated that he has had a lot of history with the subject project. Mr. Midget further stated that he was concerned with the industrial request and he is pleased that they chose to remove that request. Mr. Midget indicated that he is more comfortable with the subject proposal. Mr. Midget stated that the town center gives the opportunity to have managed development in the subject area. Mr. Midget commented that he didn't believe housing would go in the subject area and town center allows the

type of commercial development that will affect commercial and businesses in the subject area. Mr. Midget stated that he does support this and he would support the town center to the north, but he will support this either way.

Mr. Perkins encouraged the applicant to talk with Land Legacy to preserve some of the subject area. Mr. Perkins indicated that he is in support of today's application.

Mr. Shivel stated that he is support of this application.

Mr. Carnes stated that this is such a large tract of land that the developer will have to keep it nice in order to attract additional business.

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment for PUD-624-A per staff recommendation, as amended. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-624-A:

TRACT 1: A tract of land located in the S/2 of the NW/4 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the northwest corner of the S/2 of the NW/4 of Section 21, T-20-N, R-12-E; Thence N 89°07'55" E along the north line of the S/2 of the NW/4 of Section 21 a distance of 50.02 feet to the "Point of Beginning"; Thence continuing N 89°07'55" E along the north line of the S/2 of the NW/4 of Section 21 a distance of 2432.33 feet to the northerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 58°55'04" W along the northerly right of way of said Parcel 19.0 a distance of 966.90 feet; Thence S 81°22'27" W along the northerly right of way of said Parcel 19.0 a distance of 168.24 feet; Thence S 58°01'55" W along the northerly right of way of said Parcel 19.0 a distance of 235.64 feet to a non-tangent curve to the right; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the right with a central angle of 08°12'15", a radius of 3608.71 feet, an arc length of 516.74 feet, a chord bearing of S 73°03'12" W and a chord length of 516.30 feet; Thence S 77°09'20" W along the northerly right of way of said Parcel 19.0 and tangent to the previous curve a distance of 717.68 to a point 100.00 feet east of as measured perpendicular to the west line of the NW/4 of Section 21; Thence N 00°21'52" E parallel with and 100.00 east of a measured perpendicular to

the west line of the NW/4 of Section 21 and along the northerly right of way of said Parcel 19.0 a distance of 273.94 feet; Thence N 04°02'53" W along the northerly right of way of said Parcel 19.0 a distance of 389.93 feet; Thence N 04°02'37" W along the northerly right of way of said Parcel 19.0 a distance of 260.11 feet to the "Point of Beginning". Said tract contains 1,355,754 square feet or 31.1238 acres. TOGETHER WITH **TRACT 2:** A tract of land located in the N/2 of the NE/4 of Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Beginning at the northwest corner of the NE/4 of Section 21, T-20-N, R-12-E; Thence N 89°41'58" E along the north line of the NE/4 of Section 21 a distance of 2462.89 feet to the northerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 14°47'12" E along the northerly right of way of said Parcel 19.0 a distance of 168.78 feet; Thence S 26°17'31" W along the northerly right of way of said Parcel 19.0 a distance of 67.11 feet; Thence N 82°40'46" W along the northerly right of way of said Parcel 19.0 a distance of 429.13 feet to a non-tangent curve to the left; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the left with a central angle of 03°08'19", a radius of 7903.31 feet, an arc length of 432.94 feet, a chord bearing of S 72°06'34" W and a chord length of 432.88 feet; Thence S 35°43'02" W along the northerly right of way of said Parcel 19.0 and not tangent to the previous curve, a distance of 237.21 feet to a non-tangent curve to the left; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the left with a central angle of 03°23'53", a radius of 7770.29 feet, an arc length of 460.85 feet, a chord bearing of S 67°24'18" W and a chord length of 460.78 feet; Thence S 56°09'22" W along the northerly right of way of said Parcel 19.0 and not tangent to the previous curve, a distance of 202.39 feet to a non-tangent curve to the left; Thence along the northerly right of way of said Parcel 19.0 and along a non-tangent curve to the left with a central angle of 05°18'37", a radius of 7739.29 feet, an arc length of 717.29 feet, a chord bearing of S 61°34'23" W and a chord length of 717.03 feet; Thence S 58°55'04" W along the northerly right of way of said Parcel 19.0 and tangent to the previous curve, a distance of 335.42 feet to the west line of the NE/4 of Section 21; Thence N 00°29'59" E along the west line of the NE/4 of Section 21 a distance of 1285.64 feet to the "Point of Beginning". Said tract contains 1,528,881 square feet or 35.0983 acres. TOGETHER WITH **TRACT 3:** A tract of land located in Section 21, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the southwest corner of the SE/4 of Section 21, T-20-N, R-12-E; Thence N 00°30'13" E along the west line of the SE/4 of Section 21 and along the westerly line of westerly Parcel 302, as recorded in

General Warranty Deed to the City of Tulsa, Oklahoma, a municipal corporation, Book 1381, Pages 0849-0860, in the Osage County Clerk's office a distance of 50.03 feet to the northwest corner of said Parcel 302, and the "Point of Beginning"; Thence continuing N 00°30'13" E along the west line of the SE/4 of Section 21 a distance of 2579.63 feet to the center quarter corner of Section 21; Thence S 88°34'12" W along the south line of the NW/4 of Section 21 a distance of 1291.63 feet to the west line of the SE/4 of the NW/4 of Section 21 also being the southerly right of way of Parcel 19.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence N 00°25'53" E along the west line of the SE/4 of the NW/4 of Section 21 and the southerly right of way of said Parcel 19.0 a distance of 82.01 feet; Thence N 71°12'17" E along the southerly right of way of said Parcel 19.0 a distance of 113.29 feet; Thence N 68°42'53" E along the southerly right of way of said Parcel 19.0 a distance of 575.81 feet; Thence N 60°27'21" E along the southerly right of way of said Parcel 19.0 a distance of 750.18 feet to the west line of the NE/4 of Section 21; Thence N 63°22'30" E along the southerly right of way of said Parcel 19.0 a distance of 333.84 feet to a tangent curve to the left; Thence along the southerly right of way of said Parcel 19.0 and along a tangent curve to the left with a central angle of 03°23'06", a radius of 5870.02 feet, an arc length of 346.80 feet, a chord bearing of N 61°40'57" E and a chord length of 346.74 feet to a tangent reverse curve to the right; Thence along the southerly right of way of said Parcel 19.0 and along a tangent reverse curve to the right with a central angle of 13°23'32", a radius of 5590.00 feet, an arc length of 1306.59 feet, a chord bearing of N 66°41'10" E and a chord length of 1303.62 feet to the westerly right of way of Parcel 37.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 24°23'22" E along the westerly right of way of said Parcel 37.0 and not tangent to the previous curve, a distance of 1237.10 feet; Thence S 00°00'00" W along the westerly right of way of said Parcel 37.0 a distance of 310.38 feet to the north line of the SE/4 of Section 21; Thence S 88°33'45" W along the north line of the SE/4 of Section 21 a distance of 1025.91 feet to the northwest corner of the NE/4 of the SE/4 of Section 21; Thence S 00°34'13" W along the west line of the NE/4 of the SE/4 of Section 21 a distance of 1316.05 feet to the southwest corner of the NE/4 of the SE/4 of Section 21; Thence N 88°36'52" E along the south line of the NE/4 of the SE/4 of Section 21 a distance of 375.19 feet to a point 915.58' west of the southeast corner of the NE/4 of the SE/4 of Section 21; Thence S 00°00'00" W a distance of 987.02 feet; Thence N 88°39'13" E a distance of 373.27 feet to a point 531.00 feet west of as measured perpendicular to the east line of the SE/4 of Section 21; Thence S 00°38'12" W parallel with and 531.00 feet west of as measured perpendicular to the east line of the SE/4 of Section 21 a distance of 79.05 feet to a point 250.00 feet north of as measured perpendicular to the south line of the SE/4 of Section 21; Thence S

88°40'00" W parallel with and 250.00 feet north of as measured perpendicular to the south line of the SE/4 of Section 21 a distance of 150.09 feet to a point 681.00 feet west of as measured perpendicular to the east line of the SE/4 of Section 21; Thence S 00°38'12" W parallel with and 681.00 feet west of as measured perpendicular to the east line of the SE/4 of Section 21 a distance of 200.12 feet to the northeast corner of westerly Parcel 302, as recorded in General Warranty Deed to the City of Tulsa, Oklahoma, a municipal corporation, Book 1381, Pages 0849-0860, in the Osage County Clerk's office; Thence S 88°40'00" W along the north line of said westerly Parcel 302 and parallel with the south line of the SE/4 of Section 21 a distance of 1897.12 feet to the "Point of Beginning". Said tract contains 6,746,998 square feet or 154.8898 acres. TOGETHER WITH **TRACT 4:** A tract of land located in the SW/4 of Section 22, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the southwest corner of Section 22, T-20-N, R-12-E; Thence S 89°37'46" E along the south line of the SW/4 of Section 22 a distance of 388.27 feet to the southeast corner of Parcel 304, as recorded in General Warranty Deed to the City of Tulsa, Oklahoma, a municipal corporation, Book 1381, Pages 0849-0860, in the Osage County Clerk's office and the "Point of Beginning"; Thence N 00°22'14" E perpendicular to the south line of the SW/4 of Section 22 and along the easterly line of said Parcel 304 a distance of 70.00 feet to the northeast corner of said Parcel 304; Thence N 89°37'46" W parallel with the south line of the SW/4 of Section 22 and along the north line of said Parcel 304 a distance of 309.95 feet; Thence N 45°11'57" W along the north line of said Parcel 304 a distance of 39.02 feet to the east line of the right of way as recorded in Book 1179, Pages 0586-0590, in the Osage County Clerk's office; Thence N 00°38'12" E parallel with the west line of the SW/4 of Section 22 and along the east line of the right of way as recorded in Book 1179, Pages 0586-0590, in the Osage County Clerk's office a distance of 964.10 feet to the southerly line of "Cross Timbers at Northwest Passage", a subdivision in the City of Tulsa, Osage County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 169, as filed in the Osage County Clerk's office and a tangent curve to the right; Thence along the southerly line of "Cross Timbers at Northwest Passage" and along a tangent curve to the right with a central angle of 90°00'00", a radius of 30.00 feet, an arc length of 47.12 feet, a chord bearing of N 45°38'12" E and a chord length of 42.43 feet; Thence S 89°21'48" E along the southerly line of "Cross Timbers at Northwest Passage" and tangent to the previous curve a distance of 465.29 feet to a tangent curve to the left; Thence along the southerly line of "Cross Timbers at Northwest Passage" and along a tangent curve to the left with a central angle of 17°05'50", a radius of 380.00 feet, an arc length of 113.39 feet, a chord bearing of N 82°05'17" E and a chord length of 112.97 feet to the northwest corner of Block 1, "Cross Timbers at

Northwest Passage" and the east line of the W/2 of the SW/4 of the SW/4 of Section 22; Thence S 00°32'09" W and not tangent to the previous curve along the west line of Block 1, "Cross Timbers at Northwest Passage" and the east line of the W/2 of the SW/4 of the SW/4 of Section 22 a distance of 1105.38 feet to the south line of the SW/4 of section 22; Thence N 89°37'46" W along the south line of the SW/4 of Section 22 a distance of 270.70 feet; to the "Point of Beginning". Said tract contains 639,104 square feet or 14.6718 acres. TOGETHER WITH TRACT 5:

A tract of land located in Section 22, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the west quarter corner of Section 22, T-20-N, R-12-E; Thence S 89°03'39" E along the south line of the NW/4 of Section 22 and along the southerly right of way of Parcel 38.0 Tract 1, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, a distance of 85.00 feet to the "Point of Beginning"; Thence N 01°24'10" E along the easterly right of way of said Parcel 38.0 Tract 1 a distance of 276.33 feet; Thence N 00°21'53" E parallel with the west line of the NW/4 of Section 22 and along the easterly right of way of said Parcel 38.0 Tract 1 a distance of 673.17 feet; Thence N 10°15'18" E along the easterly right of way of said Parcel 38.0 Tract 1 a distance of 203.77 feet; Thence N 00°21'53" E along the easterly right of way of said Parcel 38.0 Tract 1 and the southerly right of way of Parcel 22.0 Tract 1, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, a distance of 421.70 feet; Thence N 38°51'53" E along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 78.26 feet; Thence N 77°21'53" E along the southerly right of way of said Parcel 22.0 Tract 1 a distance of 621.86 feet; Thence N 62°47'11" E along the southerly right of way of said Parcel 22.0 Tract 1 and the southerly right of way of Parcel 38.0 Tract 2, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, a distance of 258.78 feet; Thence N 85°27'33" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 294.62 feet; Thence S 71°58'00" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 184.01 feet; Thence S 36°52'17" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 125.83 feet; Thence S 58°15'47" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 379.03 feet; Thence S 88°35'15" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 52.51 feet; Thence N 01°24'45" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 97.01 feet; Thence N 23°45'55" W along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 244.88 feet; Thence N 80°11'29" E along the southerly right of way of said Parcel 38.0 Tract 2 a distance of 270.03 feet; Thence N 89°18'28" E along the southerly right of way of said Parcel 38.0 Tract 2 and the southerly right of way of Parcel 22.0 Tract 2, Gilcrease West Expressway, as recorded in

Book 1398, Pages 0056-0083, in the Osage County Clerk's office, a distance of 515.07 feet to the west line of the NE/4 of Section 22; Thence continuing N 89°18'28" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 721.13 feet; Thence S 83°14'47" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 207.21 feet; Thence S 88°34'37" E along the southerly right of way of said Parcel 22.0 Tract 2 a distance of 174.02 feet; Thence N 82°47'05" E a along the southerly right of way of said Parcel 22.0 Tract 2 and the westerly right of way of Parcel 21.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office distance of 254.50 feet; Thence S 00°05'14" W along the westerly right of way of said Parcel 21.0 a distance of 1208.85 feet; Thence S 30°37'32" W along the westerly right of way of said Parcel 21.0 and the westerly right of way of Parcel 22.0 Tract 3, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, a distance of 166.50 feet; Thence S 00°05'14" W along the westerly right of way of said Parcel 22.0 Tract 3 a distance of 1123.92 feet; Thence S 87°37'23" W a distance of 634.76 feet; Thence S 56°48'44" W a distance of 748.74 feet; Thence S 19°36'13" W a distance of 290.11 feet; Thence S 37°15'04" E a distance of 556.66 feet to the northerly line of Parcel 321, as recorded in General Warranty Deed to the City of Tulsa, Oklahoma, a municipal corporation, Book 1381, Pages 0849-0860, in the Osage County Clerk's office; Thence S 48°58'33" W along the northerly line of said Parcel 321 and the northerly line of Parcel 320, as recorded in General Warranty Deed to the City of Tulsa, Oklahoma, a municipal corporation, Book 1381, Pages 0849-0860, in the Osage County Clerk's office, a distance of 809.38 feet to a tangent curve to the right; Thence along the northerly line of said Parcel 320 and along a tangent curve to the right with a central angle of 20°22'11", a radius of 1461.72 feet, an arc length of 519.67 feet, a chord bearing of S 59°09'39" W and a chord length of 516.94 feet to the southeast corner of "Gilcrease Hills Village IV", a subdivision in the City of Tulsa, Osage County, State of Oklahoma, according to the official recorded plat thereof, recorded as Instrument No. 13759 in the Osage County Clerk's office; Thence N 17°48'29" W along the easterly line of "Gilcrease Hills Village IV" a distance of 280.96 feet; Thence N 30°44'43" W along the easterly line of "Gilcrease Hills Village IV" a distance of 269.94 feet; Thence N 06°32'52" W along the easterly line of "Gilcrease Hills Village IV" a distance of 9.66 feet to the northeast corner of "Gilcrease Hills Village IV"; Thence S 89°33'25" E a distance of 204.65 feet; Thence N 00°26'35" E a distance of 460.00 feet; Thence N 89°33'25" W a distance of 475.00 feet; Thence S 00°26'35" W a distance of 139.97 feet; Thence N 89°27'11" W a distance of 460.03 feet to the most southerly southeast corner of "Cross Timbers at Northwest Passage", a subdivision in the City of Tulsa, Osage County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 169, as filed in the Osage County Clerk's office; Thence N 52°17'58" E along the easterly line

of "Cross Timbers at Northwest Passage" a distance of 287.65 feet; Thence N 35°04'22" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 192.32 feet; Thence N 54°55'38" E along the easterly line of "Cross Timbers at Northwest Passage" a distance of 7.68 feet; Thence N 35°04'22" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 60.00 feet; Thence N 30°43'51" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 132.05 feet; Thence N 28°10'47" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 290.15 feet; Thence N 13°25'17" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 126.52 feet; Thence N 85°27'28" E along the easterly line of "Cross Timbers at Northwest Passage" a distance of 10.27 feet to a tangent curve to the left; Thence along the easterly line of "Cross Timbers at Northwest Passage" and along a tangent curve to the left with a central angle of 02°52'28", a radius of 675.00 feet, an arc length of 33.86 feet, a chord bearing of N 84°01'14" E and a chord length of 33.86 feet; Thence N 07°25'00" W along the easterly line of "Cross Timbers at Northwest Passage" and not tangent to the previous curve a distance of 50.00 feet; Thence N 00°23'29" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 210.79 feet; Thence N 20°14'53" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 220.47 feet; Thence N 50°08'03" W along the easterly line of "Cross Timbers at Northwest Passage" a distance of 464.06 feet to the northeast corner of "Cross Timbers at Northwest Passage" and the north line of the SW/4 of Section 22; Thence N 89°03'39" W along the north line of "Cross Timbers at Northwest Passage" and along the north line of the SW/4 of Section 22 a distance of 234.81 feet to the "Point of Beginning". Said tract contains 11,483,491 square feet or 263.6247 acres. Said tracts contain a combined area of 21,754,228 square feet or 499.4084 acres.

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9. **LS-20621** (Lot-Split) (County) – Location: North of the northeast corner of East 126th Street North and North 143rd East Avenue

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 Land Area per dwelling Unit of 2.1 acres. This tract was granted a Variance of the Land Area to .76 acres by the County Board of Adjustment on August 20, 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 an additional 5' Right-of-Way easement on North 143rd East Avenue which is designated a Neighborhood Collector on the Major Street and Highway Plan.

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; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20621 per staff recommendation.

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10. **LS-20631** (Lot-Split) (CD-8) – Location: North of the northwest corner of East 121st Street South and South Sheridan Road (**withdrawn**)

Withdrawn by applicant.

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11. **Henry Orthodontics** – **Preliminary Plat**, Location: South of the southeast corner of South Harvard Avenue and 41st Street South (9328) (CD-9)

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on .86 acres.

The following issues were discussed August 15, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 798 (pending) and existing OL (office light). Access agreements need to be shown appropriately. Water and sewer service lines need to meet approval of City of Tulsa staff.
2. **Streets:** Mutual access cannot overlap into Limits of No Access at property line. Correct the floating arrow head for Mutual Access Easement. Clarify the limits of the Mutual Access Easement on the east end of the easement. Access width should match driveway width (24 feet). Include sidewalk on south side of driveway.
3. **Sewer:** The five-foot private service easement must be located outside the limits of the utility easement. Private service lines for water and sanitary cannot be located within the public utility easement. Show the existing easements adjacent to the proposed plat. A sanitary sewer mainline extension is required to serve Lot 1.
4. **Water:** The mutual access/utility easement must have language in it that addresses the proposed water service line serving Lot 2 from the street right-of-way across Lot 2's property. All water service meters for both tracts are to be located in the street right-of-way in a green space area.

Service line easements are shown on the preliminary plat but this must be approved (waived) by TMUA (Tulsa Metropolitan Utility Authority) prior to final plat. If disapproved by TMUA, then the easement can be used as a water line and sanitary sewer easements for main extensions. (Development Services staff agrees to the concept of having a specific easement for service lines for the sanitary and water that allow access across both lots for this plat.)
5. **Storm Drainage:** The floodplain note specifies that the property does not lie within either of the FEMA or City of Tulsa regulatory floodplains. This plat has more than one lot; therefore, the detention easement should be placed in a reserve to be maintained by a Property Owners' Association. The location of the detention easement may adversely affect the ingress and egress from the building on Lot 2, and its parking lot. It is suggested that the depth of water in the drive lanes through the parking lot stormwater detention facility should be five inches or less, during and after the 100-year rainfall event. Section 1.C. parking lot stormwater detention easement in a reserve standard language should be used. Item 5 does not apply to this type of detention.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Provide a fire apparatus turn around for Lot 2.
8. **Other: GIS:** Surveyors Certificate of Authorization has expired. Need e-mail address for engineer and surveyor. Show north arrow for location map. Label highway on location map. Give complete legal description with point of beginning and point of commencement. Dimension individual lots. Show square footage and acreage for each lot. Show pin and bearing and distance information. Submit subdivision control data sheet. Put contours on conceptual plan.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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.

INTERESTED PARTIES:

Charles Pratt, 4338 South Jamestown Avenue, **74135** and **Dan Guterman**, 5808 South Evanston Street, 74105.

Mr. Pratt and Mr. Guterman wanted to discuss the stormwater issues and the PUD. Mr. Leighty reminded the Planning Commission that the PUD has already been heard at a public hearing and that today the only the TMAPC can consider is the preliminary plat.

Applicant indicated his agreement with the staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Henry Orthodontics per staff recommendation, subject to special conditions and standard conditions.

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12. **Inland Truck Parts – Preliminary Plat**, Location: South of East Admiral Place, east of South 129th East Avenue (9404) (CD-6)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 14.3 acres.

The following issues were discussed August 1, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Provide reference for right-of-way such as plat number or book and page number.
3. **Sewer:** Show the existing sanitary sewer easement along the south boundary line of the proposed plat. In Section I-C-2, omit the words "in excess of three feet".
4. **Water:** Field verification of the location of the existing 12-inch water main line along East Admiral Place. The site could only need to install two fire hydrants only if the 12-inch is closer to the west property line.
5. **Storm Drainage:** Cooley Creek Tulsa Regulatory floodplain must be labeled as such and its limits must be shown by plotting the 100-year water surface elevation across the property. The floodplain, plus an additional 20 feet adjacent to the floodplain, must be placed in an overland drainage easement. All overland drainage easements must be standalone easements, separate from the stormwater detention easement. Off-site drainage flows onto this property from the east, and is public drainage, which must be collected at the property line and thence be conveyed across the property in public easements. Those easements must be shown and labeled on the face of plat. Use City of Tulsa standard covenant language for Section I.C and F, and add roof drainage language for that drainage to be piped to the stormwater detention facility.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Need e-mail address for engineer. Need north arrow for the location map. All subdivisions need to be shown on location map. Complete legal description. Need lot pin information and bearings. Submit control data sheet. Put contours on conceptual drawings.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Inland Truck Parts per staff recommendation, subject to special conditions and standard conditions.

* * * * *

13. **Z-7222 – Plat Waiver**, Location: West of the northwest corner of East 21st Street South and 177th East Avenue (9411) (CD-6)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from AG to OL.

Staff provides the following information from TAC for their August 1, 2013 meeting:

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

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

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

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

	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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-7222 per staff recommendation.

* * * * *

Items 14 and 15 are related items:

Mr. Liotta stated he has a personal involvement in the area for Items 14 and 15 and therefore, he will be recusing himself. Mr. Liotta out at 2:45 p.m.

14. **Z-7235 – Lou Reynolds/CAP/Mayo School Conversion**, Location: South of southeast corner of South 101st East Avenue and East 25th Street, Requesting rezoning from **RS-3/CDP-21 to OL**, (CD-5) (Continued from July 10, 2013)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-14987 November 17, 1988: The Board of Adjustment **continued** a request for a *Special Exception* to allow for a multi-agency children's special services center (special education, guidance, counseling, vocational rehabilitation supervision and health services) to locate in an existing school building in an RS-3 district, to allow the applicant and interested parties sufficient time to discuss the proposed center, on property located at 2525 South 101st East Avenue and is also the subject property. On **February 16, 1989**, the applicant **withdrew** the application.

BOA-14194 September 4, 1986: The Board of Adjustment **approved** a *Special Exception* to permit a before and after school child care program for elementary school children, on property located at 2525 South 101st East Avenue and is also the subject property.

BOA-8643 July 3, 1975: The Board of Adjustment **approved** a *Special Exception* for an extension of time for 18 months to permit the completion of Community Development Project #21, on property located between 21st and 27th Streets and west of South 101st East Avenue and is a part of the subject property.

BOA-6293 May 6 1969: The Board of Adjustment approved a Special Exception to permit erecting a school in a U-1C (RS-3) district, on property located at East 27th Street and South 101st East Avenue and is also the subject property.

CDP-21 September 20, 1967: All concurred in approval of a proposed Community Development Project on a 246± acre tract of land for a mixed use development including residential (single-family, duplex and multifamily), school use, and recreation/park area, on property located between East 21st Street and East 31st Street and between South Mingo Road and Highway 169 and is a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located south of southeast corner of South 101st East Avenue and East 25th Street. The property appears to be an abandoned school building and is zoned RS-3/CDP-21.

SURROUNDING AREA: The subject tract is abutted on all sides by a single family residential subdivision zoned RS-3.

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

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue/ South Mingo Road	Secondary Arterial	100 feet	2
South 103 rd East Avenue	Non Classified	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

AREAS OF STABILITY

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.

Staff Summary: The proposed school site re-development may be consistent with the concept defined in the area of stability. The location and upgrade of schools in a neighborhood can add stability to a neighborhood especially when community cooperation and involvement is centered on the facility. Straight OL zoning is not a compatible use inside an existing area of stability because it does not provide opportunity or encourage neighborhood involvement. The OL zoning classification at this location is only appropriate with a detailed Planned Unit Development overlay which prohibits all office uses except a school and educational service center.

Existing Residential Neighborhoods

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.

Staff Comment: The existing school site was originally considered as part of a CDP project which was predecessor to the Planned Unit Development inside the City of Tulsa. At that time there was no development guideline identifying any of the site details that we normally consider in the Comprehensive Plan or the contemporary PUD process. OL zoning districts are not a compatible use inside an existing residential neighborhood. However a school and educational support center may be found appropriate inside an

existing neighborhood. In conjunction with a Planned Unit Development the OL zoning can be an appropriate use.

STAFF RECOMMENDATION:

The proposed school and education service center may be consistent with the vision identified for this area in the Comprehensive Plan and the original Community Development Project (CDP-21). The school component and education service center uses allowed in this project are compatible with the Comprehensive Plan and staff supports the re-use and/or expansion of the project as a school use with accessory offices including the offices necessary to support the Community Action Project facilities across the city. The proposed use defined in the Planned Unit Development does not allow any of the normal offices that come with this zoning classification however the education service center components are consistent with the normal school functions.

The proposed building construction and expansion of the existing school is consistent with the expected development pattern in the area. The scale of the facility is no bigger than many of the schools scattered throughout the city for the Tulsa Public School System.

The applicant has worked with staff and established site guidelines within PUD-797 that is being heard concurrently. The school and educational service component of the OL zoning are only appropriate at this location with a Planned Unit Development overlay that will insure compatibility with the existing neighborhood.

The Community Action Project (CAP) proposal for a creative use of the Mayo School site is appropriate with a Planned Unit Development therefore staff recommends **APPROVAL** of the rezoning request from RS-3/CDP-21 to OL.

The OL zoning request is not appropriate without a Planned Unit Development overlay. In the event that the PUD is ever abandoned or replaced; the underlying OL zoning shall be reconsidered and replaced with the original intent that a school or single family residential area be constructed.

Related to Item 14:

15. **PUD-797 – Lou Reynolds/CAP/Mayo School Conversion**, Location: South of southeast corner of South 101st East Avenue and East 25th Street, Requesting a **PUD** to convert the existing school and build an additional building for office uses, **RS-3/CDP-21 to OL/PUD-797**, (CD-5) (Continued from July 10, 2013)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-14987 November 17, 1988: The Board of Adjustment **continued** a request for a *Special Exception* to allow for a multi-agency children's special services center (special education, guidance, counseling, vocational rehabilitation supervision and health services) to locate in an existing school building in an RS-3 district, to allow the applicant and interested parties sufficient time to discuss the proposed center, on property located at 2525 South 101st East Avenue and is also the subject property. On **February 16, 1989**, the applicant **withdrew** the application.

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CDP-21 September 20, 1967: All concurred in approval of a proposed Community Development Project on a 246± acre tract of land for a mixed use development including residential (single-family, duplex and multifamily), school use, and recreation/park area, on property located between East 21st Street and East 31st Street and between South Mingo Road and Highway 169 and is a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located south of southeast corner of South 101st East Avenue and East 25th Street. The property appears to be an abandoned school building and is zoned RS-3/CDP-21.

SURROUNDING AREA: The subject tract is abutted on all sides by a single-family residential subdivision zoned RS-3.

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

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue/ South Mingo Road	Secondary Arterial	100 feet	2
South 103 rd East Avenue	Non Classified	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

AREAS OF STABILITY

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.

Staff Summary: The proposed school site re-development may be consistent with the concept defined in the area of stability. The location and upgrade of schools in a neighborhood can add stability to a neighborhood especially when community cooperation and involvement is centered on the facility. The underlying OL zoning classification at this location is only appropriate with a detailed Planned Unit Development overlay which prohibits all office uses except a school and educational service center.

Existing Residential Neighborhoods

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.

Staff Comment: Staff Comment: The existing school site was originally considered as part of a Community Development Plan (CDP) project which was predecessor to the Planned Unit Development inside the City of Tulsa. At that time there was no development guideline identifying any of the site details that we normally consider in the Comprehensive Plan or the contemporary PUD process. OL zoning districts are not a compatible use inside an existing residential neighborhood. However a school and educational support center may be found appropriate inside an existing neighborhood. In conjunction with a Planned Unit Development the OL zoning can be an appropriate use. The proposed standards identified in this application include screening, landscaping, lighting building maximum sizes use limitations, sidewalks and other amenities that the school has not or cannot provide. Many of those components of the design details will provide a facility that is integrated into the neighborhood.

APPLICANT CONCEPT STATEMENT:

I. DEVELOPMENT CONCEPT:

A. The History of CAP Tulsa

The Community Action movement began in 1964 as part of President Lyndon B. Johnson's War on Poverty Program. Today, there are over 1,000 Community Action Agencies nationwide providing a variety of targeted, community-oriented services and solutions for low-income Americans.

Community Action Project of Tulsa County (CAP Tulsa) began under the name "Project Get Together" in 1973 and was funded with a federal grant through the Office of Economic Opportunity to address the problems faced by low-income people living in the southern portion of Tulsa County. During those early years, much casework was done with migrant farm workers and with tenants in apartment complexes. Project Get Together assisted in the formation of community organizations to provide a collective position from which people disenfranchised by poverty might work toward positive change, helped devise several summer recreation programs, opened a daycare facility for the children of migrant

workers, and worked with a local church to run a transportation program for senior citizens.

Over the years, Project Get Together expanded its programs and services in response to client need to become a comprehensive anti-poverty agency.

In the fall of 1997, the Oklahoma Department of Commerce (ODOC) decertified the Tulsa Community Action Agency (TCAA) as the county's community action agency, and TCAA's Board of Directors voted to shut the organization down entirely. Shortly thereafter, a broad coalition of people and groups united to establish a new non-profit organization – Community Action Program of Tulsa County – which ODOC designated as the county's new community action agency.

Project Get Together and the newly formed Community Action Program shared virtually identical mission statements – helping people achieve economic self-sufficiency. While the two organizations had independent, non-overlapping boards of directors, both boards were concerned about how to best serve the needs of the county's poor residents, avoid unnecessary duplication of services, and minimize administrative costs. Consequently, the boards of the two agencies soon thereafter began discussing the possibility of a consolidation. Those discussions culminated with both boards voting unanimously in February 1998 to unite their efforts using the new name “Community Action Project of Tulsa County.”

Also in 1998, the Tulsa Children's Coalition became a part of CAP Tulsa. This consolidation has strengthened our efforts to provide low-income families access to quality, affordable early childhood education.

In late 2005, CAP Tulsa completed a lengthy strategic planning process in which the agency adopted a major shift in its anti-poverty approach, concluding that the best approach for improving the long-term economic prospects for low-income children was through an “integrated service delivery” model. The idea was to serve a specific set of clients, families with very young children, through combined efforts with our partners

In 2006, CAP Tulsa became the grantee for the Oklahoma Early Childhood Program (OECF) to provide comprehensive, full-day, full-year educational services for at-risk children ages birth to 3 years. OECF is a public/private partnership to improve the quality

of early education services and to expand capacity to serve low-income children from birth through age three throughout the state of Oklahoma. The program serves 2,400 children annually and emphasizes recruitment and retention of highly trained, well-educated teachers. Private funding has been provided by statewide philanthropists and others. Public funding flows through the Oklahoma Department of Education as a match to private funds.

In 2010, Tulsa became one of only eight cities selected to partner in the federal Social Innovation Fund (SIF), a public-private investment vehicle designed to replicate proven anti-poverty programs that have demonstrated compelling evidence of impact. Through this process, CAP Tulsa was chosen to implement SaveUSA, an asset development program that offers income-eligible individuals a 50% match if they deposit a portion of their tax refund into a savings account for one year.

In 2010, the Administration for Children & Families chose CAP Tulsa as one of 32 organizations nationwide to participate in an evaluation of research-based training programs intended to help low-income individuals obtain employment with a family-supporting wage in the high demand field of health care. CAP Tulsa's five-year, \$10M grant award is being used to scale up CareerAdvance®, its dual-generation, workforce development program designed in collaboration with experts in human and economic development from the Ray Marshall Center at the University of Texas and the Harvard Graduate School of Education.

In 2011, CAP Tulsa was one of ten Head Start sites named as a "Center of Excellence" by the national Office of Head Start. HUD awarded CAP Tulsa one of the first Choice Neighborhoods planning grants in the nation.

Later in 2011, the Department of Education awarded CAP Tulsa a Promise Neighborhoods planning grant to develop a cradle-through-college-to-career continuum of solutions for residents of the Eugene Field and Kendall-Whittier Neighborhoods. To date, CAP Tulsa is the only organization in the country selected to lead both a Choice and Promise Neighborhoods planning effort – two centerpieces of the Obama Administration's inter-agency Neighborhood Revitalization Initiative.

In June of 2012, Tulsa became only the ninth city in the nation to establish an annual summer training location for Teach For America (TFA) corps members. In the inaugural year, 650 newly

recruited teachers and 120 national TFA staff members were housed at the University of Tulsa in the heart of the Kendall-Whittier Neighborhood while teaching summer school classes for 5,300 students within the Tulsa Public Schools district. The arrival of this remarkable resource of dedicated educators followed only three years after TFA first began leading classrooms within Tulsa Public Schools' and CAP Tulsa's facilities.

In 2012, CAP Tulsa implemented a new strategic plan through 2015 for the purpose of evaluating how programs and services are performing and what outcomes they are producing. A new logo was developed with the tagline "Helping Families Succeed." The tagline reflects the agency's brand promise that every family and every child deserves the same opportunity for success.

STAFF SUMMARY:

A. The Project

CAP Tulsa in collaboration with Tulsa Children's Coalition has a vision for the former Mayo Elementary School (Tulsa Public) located at 2525 South 101st East Avenue (the "Project") to become an educational resource center for economically at risk families with very young children.

Because the Project is located in an area of stability on the Stability and Growth Map, CAP Tulsa has elected to use a Planned Unit Development to support the Project.

On May 6, 2013, CAP Tulsa sent letters to all of its neighbors within 300 FT of the Project. The May 6th letter invited all the Project's neighbors to a meeting about the Project and necessary re-zoning, that was held on May 16, 2013, at CAP Tulsa's Skelly Early Childhood Education Center at 8811 East 31st Street. On July 8, 2013, representatives of CAP Tulsa had another neighborhood meeting at the same location. Many of the changes to PUD No. 797 are as a result of this later meeting.

As proposed in PUD No. 797, the Project will reconfigure and expand the existing 35,878 SF school building to include additional classrooms, adult training rooms and computer learning labs, meeting room space and offices.

The Project is comprised of approximately 7.8 acres, currently zoned Residential Single-Family High Density District ("RS-3"), and overlaid by Community Development Plan No. 21 ("CDP-21"). PUD No. 797 is accompanied by TMAPC Case No. Z-7235 which case requests the Project be zoned OL-Office Low Intensity District. As

a part of this PUD Application CAP Tulsa requests that the Project be rezoned to OL/PUD No. 797 from RS-3/CDP-21.

The Conceptual Site Plan for the Project is shown on Exhibit "A". The Project will be incorporated into the existing Mayo School building as a single building with a two-story office component.

Exhibit "B1" is an Area Aerial Photograph of the Area Land Uses around the Project.

To assure compatibility with the adjacent residences, additional landscaping and a 6 FT masonry screening wall will be extended along the north and south boundaries of the Project. Heavily landscaped parking areas and over 25 new trees, at least 8 FT in height, will be planted to soften the Project and provide a park-like atmosphere. Also, the Project will have a sidewalk around the perimeter as a walking path for the neighborhood, and a community garden, playground and park area for use by the Project's neighbors.

Further building height is limited to 30 FT and there will not be any second story windows on the south facing wall. Moreover, the primary building materials will be brick and stone. Finally, there will be little change to the existing building.

In order to further assure compatibility with the neighborhood, the office use on the Property has been limited to an Education Service Center use only.

Access to the Project will be limited to two (2) driveways along South 101st East Avenue, and there will not be any additional drives onto the Project. Access from South 103rd East Avenue will be for emergency vehicles only, and will have crash gates for emergency vehicles.

Internal circulation within the Project will be designed to separate the traffic and parking within the Project. Sidewalks will be provided along South 101st East Avenue and South 103rd East Avenue. Also, a trail system will be developed along the perimeter of the Project providing an approximately 1/2 mile of trail that will be available for public use.

Because the Project is based on a closed elementary school, the development must be expected, and the proposed Development Standards will assure the compatibility necessary to protect and enhance the residential character of the neighborhood.

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

II. DEVELOPMENT STANDARDS:

GROSS LAND AREA:	371,406 SF	8.5 AC
NET LAND AREA:	342,498 SF	7.8 AC

PERMITTED USES:

Use Unit 1., Area-Wide Uses By Right, limited to, Community Garden, Arboretum and Sidewalks,

Use Unit 5., Community Services & Similar Uses, limited to Children's Nursery, Community Center, Cultural Facility, Library, Park, Public/Private, Schools, Public or Private, including a cafeteria providing meals on and off premises,

Use Unit 11., Offices, Studios and Support Services, limited to an Education Service Center only, together with such uses customarily accessory and incidental to the Permitted Uses.

MAXIMUM BUILDING FLOOR AREA: 90,000 SF

MAXIMUM BUILDING HEIGHT:

*Two stories not to exceed 30FT from the finished floor elevation to the top roof plate.

*Architectural features, such as parapets, shall not exceed 35 FT above the finished floor elevation; provided, however, a mechanical screening wall above the second story roof plate will be set back at least 8 FT from the face of the building and may exceed the 35' height as required to provide screening for the rooftop mechanical systems.

BUILDING DESIGN STANDARDS:

No second story windows will be allowed on the south side of the building expansion. Brick and glass construction similar in concept to the building elevations included in this package.

MINIMUM OFF-STREET PARKING SPACES:

There will be at least 238 parking spaces provided within the Project.

MINIMUM BUILDING SETBACKS:

From North boundary	100 FT
From South 103rd East Avenue right-of-way	135 FT
From South boundary	43 FT
From South 101st East Avenue boundary line	490 <u>170</u> FT

MINIMUM PARKING SPACE OR ACCESS DRIVE SETBACK:

From North boundary	30 FT
From South boundary	20 FT

SIGNS:

Ground Signs:

One (1) monument sign along South 101st East Avenue not exceeding 10 FT in height and 64 SF in display surface area.

Directional Signs:

Two (2) directional signs along South 101st East Avenue, one at each entrance, not exceeding 3 SF of display surface area.

LIGHTING:

Outdoor Lighting shall be shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas.

Additionally as part of the site plan review an accurate lighting plan illustrating light poles and fixtures with a photometric plan will be provided illustrating height, fixtures facing down and away from the residential areas. The photometric plan must be provided which does not exceed zero foot candles at the property lines.

Exterior lighting whether ground or building mounted shall not exceed 15' in height.

Existing lighting whether building mounted or ground mounted will be modified to meet the standards listed above as necessary.

LANDSCAPED AREA:

A minimum of forty percent (40%) of the Net Land Area of the Project shall be improved as internal landscaped open space. Additional landscape provisions have been provided in "The Project" description above.

TRASH AND MECHANICAL EQUIPMENT AREAS:

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

Enclosures for trash dumpsters shall be masonry construction with steel door frames. The doors shall be covered with appropriate covering containing minimum 95% opacity on the gate frame.

The trash enclosure must be placed on the north side of the proposed or existing building.

NO OUTSIDE STORAGE:

There shall be no outside storage of recyclable material, trash or similar materials outside of a screening receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

III. LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and will establish a new minimum 30 FT landscape buffer separating the northerly boundary of the parking and drive aisle from the residential neighborhood to the north, and a new minimum 20 FT landscape buffer separating the southerly parking and drive aisle from the residential neighborhood to the south (See Exhibit "E" -- Conceptual Landscape Plan).

A 6 FT masonry screening wall will be constructed along the south boundary and the north boundary of the Project that abuts the residential zoning to the north and the south. The design of the screening wall shown on Exhibit "F" -- Boundary Screening Wall Details.

Landscaping of the Project is shown on Exhibit "E" -- Conceptual Landscape Plan. This landscaping will incorporate, to the extent feasible, the healthy existing trees and will add additional trees a minimum of 8 FT in height at the time of planting to create an immediate visual barrier over and above the 6 FT high masonry screening wall.

Any parking area within 100 FT of the street right-of-way will be landscaped with a minimum width of 10 FT with 15, 3, gallon plants per 50 FT, which plants will be a minimum of 30 inches in height at planting.

The dumpster will be located near the north side of the existing building and will be screened with masonry walls.

IV. ACCESS AND CIRCULATION:

Access to the Project will be from South 101st East Avenue as shown on Exhibit "A". Except for an Emergency Vehicle Only access to and from South 103rd East Avenue, as shown on such Plan, there will not be any vehicular access to South 103rd East Avenue.

Internal circulation within the Project will be designed to separate the traffic and parking with the Project. The southern drive will be the primary entrance for parents dropping off their children, and the northern drive will be the primary entrance for adult programs, management, operations, and other activities on the Project.

Sidewalks will be provided along South 101st East Avenue and South 103rd East Avenue.

Also, a trail system will be developed along the perimeter of the Project providing an approximate 1/2 mile of trail that will be available for public use.

V. ENVIRONMENTAL ANALYSIS:

Topography:

The Project is relatively level, sloping northwesterly approximately 10 FT from the southeast corner of the Project.

Along the easterly boundary of the Project the existing grade is approximately 654 FT above mean sea level, versus existing grades of approximately 644 FT as measured along South 101st East Avenue.

Utilities:

Water:

A 12 IN water main is in place along South 101st East Avenue and an 8 IN water main is in place along South 103rd East Avenue.

Sanitary Sewer:

An 8 IN sanitary sewer main is located on site, along the north boundary of the Project.

Other Utilities:

Other utilities, including gas, electric, telephone and cable television are currently available at the site.

Drainage:

Storm water from the Project flows toward an open channel running along the north boundary of the Project that is a part of Dickenson Creek. On-site detention will be required for additional impervious area.

Soils:

The top soil is a silt loam under lying with a silty-clay. Poor drainage is prevalent across the Project site.

VI. SITE PLAN REVIEW:

No building permit shall be issued for any building within the Project until a Planned Unit Development Detailed Site Plan and Detailed Landscape Plan have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the Approved Planned Unit Development Standards.

VII. SCHEDULE OF DEVELOPMENT:

Development will begin upon final approval of the Planned Unit Development, platting of the property and detailed site and landscape plan approval. The anticipated construction start date is the first quarter of 2014.

STAFF RECOMMENDATION:

The proposed expansion of the Mayo School site for CAP Tulsa is consistent with the vision identified for this area in the Comprehensive Plan and the original vision of the Community Development Project (CDP-21). The school component of this project is compatible with the Comprehensive Plan and staff supports the re-use and/or expansion of the property as a school use with accessory offices.

The proposed uses and limitations provided in the Planned Unit Development are consistent with the expected development pattern in the area.

The applicant has satisfied all of the items requested by TMAPC staff and the City of Tulsa planning department regarding placement of the proposed building, site improvements regarding screening, lighting,

setbacks and other landscaping components defined in the Planned Unit Development.

The project is consistent with the PUD chapter of the Zoning Code.

The applicant has also worked with staff and established facility use, site and building guidelines that will provide integration of the new facility into the existing neighborhood therefore staff recommends **APPROVAL** of PUD-797 as defined in the Staff Summary above.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing Community Action Project (CAP), submitted photographs of the subject property (Exhibit C-1) and stated that the subject site is the former Mayo School and the school will be staying on the subject property. Mr. Reynolds stated that the school has been closed for two years and it is starting to show that it needs some repair. Mr. Reynolds commented that CAP is a significant partner to the Tulsa Public Schools and this is a perfect fit for both of the parties. CAP is proposing to add an additional building on the eight acres for their administration and over site people to train and direct class room settings. Mr. Reynolds stated that CAP Tulsa operate 140 class rooms and educate 2,300 three and four year olds with 450 teachers with degrees and certifications for early childhood development. Mr. Reynolds explained that CAP's mission is to provide low-income families access to quality and affordable early childhood education. Mr. Reynolds stated that there would be three and four year old students in the subject school.

Mr. Reynolds stated that this is the first time he has come across a school being in a Community Development Plan. The Community Development Plan states that the subject property would be used for a public school and it doesn't establish standards or limitations, etc. Mr. Reynolds explained that the Board of Adjustment administers the CDP's, but they are not able to change zoning from RS-3 or allow a use that is not allowed within that zoning classification and that is why this is going through the PUD process. The simplest way to do this is was to request OL zoning with a PUD that is protective of the neighborhood. Mr. Reynolds submitted conceptual plans (Exhibit C-5). Mr. Reynolds stated that as a compromise they will have windows that are six feet above the door plate and no one would be able to see out the windows and the windows will be a way to break up the big building and not have claustrophobia affect. The building height has been reduced to 30 feet and screen utilities. Mr. Reynolds cited the setbacks from the property lines for the subject site. Mr. Reynolds submitted a corrected setback from 190' to 170' from the South 101st East Avenue boundary line (Exhibit C-3). Mr. Reynolds stated that there are no parking areas or drive-out within 30 feet of the neighbors to

the north or south. Mr. Reynolds further stated that there will be a walking path around the entire property and will be opened to the public.

INTERESTED PARTIES:

Rosalie Hughes, 10126 East 26th Street, 74129; **Walter Mossdrop**, 2305 South 103rd East Avenue, 74129; **Candy Mitchell**, 2305 South 103rd East Avenue, 74129; **Robbie Thames**, 2336 South 103rd East Avenue, 74129; **Sheila Whisenhunt**, 9605 East 25th Place, 74129; and **Cathleen Peppito**, 10144 East 25th Street, 74129.

INTERESTED PARTIES COMMENTS:

Neighbors are against the rezoning request to OL and having an office building on the subject property; expressed concerns with traffic and parking problems; concerns that the office building will lower their property values and causing instability to the neighborhood; expressed concerns that there may be a daycare in the facility; concerned that there will be more vandalism, gang activity; concerns with noise pollution, honking of horns, trash; flooding problems; prefer to not have cement screening walls, would like the existing playground equipment to stay where it is currently located so that neighborhood children can play on the equipment. Neighbors stated that the children, pets and Seniors will no longer be safe with this environment. Concerns that eminent domain would be used to take their homes and destroy them if CAP wants to expand in the future.

TMAPC COMMENTS:

In response to Mr. Shivel, Mr. Mossdrop stated that when subject property was operated as a Tulsa Public School there was very little traffic during the rush-hour times due to the hours of the school.

Applicant's Rebuttal:

Mr. Reynolds stated that the flooding issued will be dealt with during the platting process. He indicated that he is intending to have onsite detention in the northwest corner, but it will have to be reviewed by the City. Mr. Reynolds acknowledged that there will be some traffic, but it will not have the same peaks that elementary schools had. He has learned from his traffic consultant that yellow buses are a lot more cause of traffic delay. The children will be brought to the site by their parents and no buses will be used. Mr. Reynolds stated that his clients have worked very hard to get support and less contentious on this project, there will be screening and have tight development standards. Mr. Reynolds asked that the Planning Commission to approve this application as submitted and modified.

TMAPC COMMENTS:

Mr. Shivel asked what the Mayo School's population was when it was active as a school. Mr. Reynolds stated that it varied two different times, Mr. Reynolds asked the former Principle of Mayo and it stated it was at 230 students when the school was closed and was at capacity at that time. Mr. Shivel asked how many three and four year olds would be expected in the CAP program. Mr. Reynolds stated that he is expecting to open with four classes and 80 students total.

Mr. Midget wanted to clarify the amendments made: 1) windows on the second story on the south-wall shall be no lower than six feet from the floor; 2) the western setback is stated at 190 feet and it should be 170 feet. Mr. Reynolds agreed with the amendments stated by Mr. Midget.

Mr. Dix asked if the playground equipment is being moved to another location. Mr. Reynolds stated that the fence area will have playground equipment that is for three and four year olds. The equipment that Ms. Peppito mentioned is more for older children. Mr. Dix asked about the detention area, Mr. Reynolds stated that they have made an area for it, but it will depend on the City of Tulsa's review. Mr. Dix asked where the community garden going to be located. Mr. Reynolds stated that it is not on the conceptual plan and it is something that will have to be figured out later if there is any interest in it.

Mr. Walker recognized Ms. Thames.

Ms. Thames stated that Mr. Reynolds stated at a meeting that there would be six months old to three year olds and was never discussed as a three and four year old program.

Mr. Leighty stated that there was a comment earlier about whether the school was abandoned or surplused. It really doesn't make any difference and it is obvious that the school is falling into disrepair. Tulsa Public Schools has had a very difficult time of getting rid of the schools that have been closed. Finding an appropriate use in the middle of a neighborhood is not an easy thing. Mr. Leighty indicated that when he read the first proposal he was against it, but with the concessions that have been made by the applicant and working with the staff he will be supportive. Mr. Leighty stated that he doesn't believe it will add anything to the property values to the community to allow the school to rot. Tulsa Public Schools has made it clear that they are not coming back to the subject site. The children that will be served at the subject site are an important part of this project. Mr. Leighty stated that he considers himself a neighborhood advocate. Mr. Leighty further stated that he tries to be sensitive to neighborhoods and he takes pride in that. Mr. Leighty commented that this does not mean he will vote in every case with the neighborhoods that

come forward. Mr. Leighty further commented that he is disappointed in some of the comments that have been made today regarding low-income and it being a dirty word. Poor people have needs and the community has a responsibility to meet those needs. This is an answer to a problem that should be a win-win for everybody. The kids will be in a safe environment and he doesn't believe it will be leading up to gang activity or anything of the kind, these are little babies. Mr. Leighty stated that he is in the real estate business and he is mindful of the concerns about property values. He explained how the mental health facility that went in at 10th and Yale has done quite well and the property values have not fallen in the neighborhood and he doesn't believe the subject proposal will hurt the Longview Estates property values either.

Mr. Dix asked Mr. Reynolds to speak to the daycare that has been mentioned. Mr. Reynolds stated that there is no current daycare use at the moment, but it can be a component of the early childhood education and it might be in the future. Mr. Dix asked Mr. Reynolds what the hours of operation for the subject site will be. Mr. Reynolds stated that he would expect it to start around 7:00 a.m. and leave around 6:00 p.m. Mr. Reynolds stated that this will be a campus style setting and low impact. Mr. Dix stated that he understands neighborhood fears and it is easy to spread those fears by having something unknown coming into the neighborhood. In this case he doesn't see anything to fear. The subject site has been a school and will be a school again that will be a slightly bigger and better school within the confines of the subject property. Mr. Dix stated that he is supportive of the proposal and it will be an asset to the neighborhood.

Mr. Carnes stated that he will be supporting this. The worst thing to have in a neighborhood is a building that is unoccupied. That will collect undesirable people. Mr. Carnes stated that they will be spending some money on this project and will keep it up.

TMAPC Action; 10 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to recommend **APPROVAL** of the OL zoning for Z-7235 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to recommend **APPROVAL** of PUD-797 per staff recommendation, subject to the following amendments: 1) South side of the building that the windows be no lower from the floor than six feet (second story); 2) from the South 107th East Avenue boundary setback be amended from 190 feet to 170 feet. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for Z-7235/PUD-797:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4) OF SECTION EIGHTEEN (18), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE/4 NW/4, THENCE NORTH 0°06'52" EAST ALONG THE WEST BOUNDARY OF SAID SE/4 NW/4 A DISTANCE OF 50.31 FEET; THENCE DUE EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 85°12'29" EAST A DISTANCE OF 132.28 FEET; THENCE SOUTH 62°59'55" EAST A DISTANCE OF 352.41 FEET; THENCE SOUTH 73°08'03" EAST A DISTANCE OF 230.93 FEET; THENCE SOUTH 84°57'55" EAST A DISTANCE OF 109.93 FEET; THENCE SOUTH 04°46'48" WEST A DISTANCE OF 27.15 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 810.00 FEET A DISTANCE OF 313.73 FEET; THENCE SOUTH 26°58'18" WEST A DISTANCE OF 145.11 FEET; THENCE NORTH 61°53'12" WEST A DISTANCE OF 192.90 FEET; THENCE NORTH 77°54'08" WEST A DISTANCE OF 229.03 FEET; THENCE DUE WEST A DISTANCE OF 260.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID E/2 SW/4 A DISTANCE OF 514.74 FEET TO THE POINT OF BEGINNING.

* * * * *

OTHER BUSINESS

Commissioners' Comments

Mr. Dix stated that he did a consulting job in Chicago and attended a Board of Adjustment meeting and was astounded at how poorly the meeting was conducted and how the staff basically threw the applicants under the bus. Mr. Dix stated that he wants to compliment our staff on how good of a job they do preparing their cases and the thoroughness they do to investigate all the aspects of the application before the meeting.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **ADJOURN** TMAPC meeting No. 2655.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:29 p.m.

Date Approved:

September 4, 2013

Joshua G. Wah

Chairman

ATTEST:

[Signature]
Secretary