

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2659

Wednesday, October 2, 2013, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Bates	Duke, COT
Dix		Fernandez	Swiney, Legal
Edwards		Huntsinger	Warrick, COT
Leighty		Miller	
Liotta		White	
Midget		Wilkerson	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, September 27, 2013 at 1:09 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Walker recognized that it is National Community Planning Month and the Mayor's Office will be issuing a proclamation to the City Council for the month of October. This is an opportunity to publicly recognize the participation and the dedication of the professional and citizen planners throughout Tulsa have contributed their time and expertise to improvement of our great City and to extend our appreciation to their commitment to public service.

Ms. Warrick, Director, City of Tulsa Planning & Economic Development Dept, stated that each October, Planners nationwide, through the American Planning Association, make a point to take the time to celebrate the achievements in their communities. This year's theme is "People and Places", which is appropriate because so much of community planning is focused on creating great communities with and for the people who join them. This gives an opportunity to

acknowledge level planning professionals and citizen planners who dedicate their time and talents toward helping to develop and implement the communities' vision for our shared built environment and future growth. Ms. Warrick thanked the Planning Commission for their commitment to the City of Tulsa and willing to help the City think long-term with the whole City in mind. Ms. Warrick stated that the Planning Commission members are appreciated and it is a time consuming endeavor that each one has volunteered to do by serving on this Board.

Ms. Warrick stated that throughout the month of October the Planning and Economic Development Department is sponsoring a few activities to raise awareness of the community planning and to get the community involved. Ms. Warrick submitted a media advisory dated October 1, 2013 for a photo submittal for sites in Tulsa. Ms. Warrick stated that there will be an open house on October 16, 2013 from 3:00 p.m. to 6:00 p.m. on the 10th Floor of City Hall. Ms. Warrick cited other activities with the Tulsa Public Schools that are planned.

Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of August 2013. Ms. Miller further reported that there will be a work session on October 16, 2013 to review the Utica Midtown Corridor Small Area Plan. The 36th Street North Small Area Plan will be at the October 16, 2013 public hearing.

Ms. Miller submitted the 6th Street Infill Plan Amendments Timeline. Ms. Miller asked the TMAPC if they would like to have the public hearing on November 6 or November 20.

Ms. Miller explained that the second timeline gives staff the opportunity to do their work and gives the two associations to have a meeting to review the definitions before the public hearing.

Mr. Midget stated that he would like to move this along and have the hearing scheduled for the November 6th with the understanding that if there is a need for more time the meeting can be continued to November 20th.

Mr. Leighty stated that he doesn't see the need to rush this in any form or fashion. The 6th Street Infill Plan has been talked about and considered for quite a long time and at this point and time it is incumbent upon the two sides to get together. Mr. Leighty asked why the rush from one side. Mr. Leighty further stated that he doesn't believe that the Planning Commission should interfere with the staff's recommendation they know what time they need. He stated that the Director has given a couple of options and she had made it clear that the Commission could shoot for November 6th, but Mr. Leighty did not believe the Commission needed to set a date for November 6th until staff is satisfied that they have all of the information they need to do their job. He went on to say that he did not feel that Commissioners should overrule the staff's recommendation.

Mr. Midget stated that nothing he is proposing prevents or inhibits in anyway the staff from moving forward. Staff is being given two options and it will be their judgment that if they don't have everything on November 6th, then they can explain why and the Planning Commission can continue the hearing to November 20th. Mr. Midget explained that there are three additional amendments.

Mr. Leighty stated that he feels that Mr. Midget is over simplifying the three amendments and the work needed to review them. Mr. Leighty further stated that he feels that the Planning Commission should listen to staff and accept their timeframe and let them do their job.

In response to Mr. Walker, Ms. Miller stated that she is presenting these two options and the end date is the hearing date, based on the two processes. Ms. Miller stated that this can be moved forward to November 6th and if the staff doesn't get the consensus from the two associations or feedback, then report that to the Planning Commission and ask for a continuance to November 20th.

Mr. Walker stated that he recognizes that there is a speaker signed up for this, but Legal has advised that we are not taking any speakers because it would violate the Open Meeting Act since it wasn't an item on the agenda.

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1. Minutes of September 18, 2013, Meeting No. 2658

Stricken.

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

CONSENT AGENDA

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

2. **LC-525** (Lot-Combination) (CD 1) – Location: Southwest corner of East 33rd Street North and North Delaware Avenue
3. **LS-20646** (Lot-Split) (County) – Location: North of the Northeast corner of West 121st Street South and South 33rd West Ave (Related to: LS-20647/LC-526/LC-527)
4. **LS-20647** (Lot-Split) (County) – Location: North of the Northeast corner of West 121st Street South and South 33rd West Ave (Related to: LS-20646/LC-526/LC-527)
5. **LC-526** (Lot-Combination) (County) – Location: North of the Northeast corner of West 121st Street South and South 33rd West Ave (Related to: LS-20646/LS-20647/LC-527)
6. **LC-527** (Lot-Combination) (County) – Location: North of the Northeast corner of West 121st Street South and South 33rd West Ave (Related to: LS-20646/LS-20647/LC-526)
7. **LC-528** (Lot-Combination) (CD 4) – Location: South of the Southwest corner of East 6th Street South and South Lansing Avenue
8. **LC-529** (Lot-Combination) (CD 7) – Location: Southeast corner of East 79th Street South and South Mingo Road
9. **LC-530** (Lot-Combination) (CD 2) – Location: Southwest corner of West 19th Street South and Southwest Boulevard
10. **Z-7221-SP-1a – Joe Kim/QuikTrip** – Location: Northwest corner of East Skelly Drive and South Harvard Avenue (4950 South Harvard Avenue), requesting a Minor Amendment to increase the allowed height of a ground sign along East Skelly Drive from 50' to 60', (CD-9)

STAFF RECOMMENDATION:

This Item will be removed from the Consent Agenda.

11. **PUD-489/Z-6357-SP-1 – Sisemore Weisz & Assoc./Mark Capron/Zaxby's** – Location: North of the northeast corner of South Mingo Road and East 71st Street South (6995 South Mingo Road), requesting a Detail Site Plan for the construction of a new restaurant, (CD-7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new Restaurant building. The proposed development is located in Development Area C of PUD-489. However, a minor amendment was done to reallocate floor area as a result of a lot-split through application number PUD-489-8, creating new development standards for what is referred to as Lot 3, Tract A.

PERMITTED USES:

Allowed uses are principal and accessory uses permitted under the existing Tulsa Zoning Code as a matter of right in a CS shopping center district (Section 701). Any additional uses that are not allowed within the CS district would require an amendment to the PUD to be allowed.

DIMENSIONAL REQUIREMENTS:

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:

The new buildings are not limited by architectural style in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development. Access to South Mingo Road from the north of the subject property is being processed through a change of access and will need to be approved prior to construction. Additionally, a Mutual Access Easement needs to be dedicated along the north property line of the subject tract to facilitate access.

LIGHTING:

Site lighting plans and details are provided. The plan illustrates a design that meets the minimum standards outlined in the Planned Unit Development and in the Zoning Code.

SIGNAGE:

The site plan does illustrate ground, monument or wall sign locations which require a separate permit. All signage will be required to be per the

PUD Standards for Development Area C. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening is consistent with the Planned Unit Development requirements and it meets the minimum standards of the Landscape portion of the Tulsa Zoning Code. All trash, mechanical and equipment areas shall be screened from public view. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:

Additional sidewalk improvements are not needed along South Mingo Road. The plan displays pedestrian connectivity to already constructed sidewalks along South Mingo Road. Furthermore, the site plan displays adequate pedestrian circulation interior to the development.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area as it relates to the terrain modifications.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-489/Z-6357-SP-1**. The site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD, and the stated purposes of the Planned Unit Development Section of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new Restaurant building.

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

12. **Change of Access** – Lot 3, Block 1, 71 Mingo Center, (CD-7)

STAFF RECOMMENDATION:

This application is made to allow a change of access to add one access along South Mingo Road. The property is zoned CO/PUD-486.

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

13. **Change of Access** – 4710 North Mingo Road East, Lot 1, Block 1, 4 M Vocational School Subdivision, (CD-3)

STAFF RECOMMENDATION:

This application is requesting a change of access to delete two access points and create only one access point along North Mingo Road. The property is zoned IL (Industrial Light).

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the consent agenda Items 2 through 9 and 11 through 13 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

10. Z-7221-SP-1a – Joe Kim/QuikTrip – Location: Northwest corner of East Skelly Drive and South Harvard Avenue (4950 South Harvard Avenue), requesting a Minor Amendment to increase the allowed height of a ground sign along East Skelly Drive from 50' to 60', (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting a Minor Amendment to increase the allowed height of a ground sign along East Skelly Drive from 50' to 60'. The proposal does not currently comply with the standards set forth in the Corridor Development Plan for a 50' tall sign with 360 square feet of display surface area.

The proposed minor amendment would increase the overall height of the sign by 10' to help with the visibility of the proposed QuikTrip store from Highway 44 traveling both east and west bound. Staff does not believe that the increase in height will be a substantial departure from the original Corridor Development Plan. However, staff does believe with an increase in height that the overall display surface area should be altered to help control the impact of the sign in relationship to adjacent properties. The applicant is proposing to limit the amount of display surface area to 302 square feet in size.

All other standards allowed in Z-7221-SP-1 would still apply. Staff finds that the proposed increase in height is in character with the surrounding development and anticipated future development in the area and the stated purposes of the Corridor section of the Zoning Code.

With the proposed increase in height and the limiting of the display surface area to 302 square feet staff believes that it will have little to no impact on the surrounding properties.

Staff recommends **APPROVAL** of minor amendment Z-7221-SP-1a.

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

Mr. Wilkerson stated that he pulled this from the consent agenda because he read a note that stated the pole sign would be 65 feet, but staff is recommending approval for 60 feet. Mr. Wilkerson stated he wanted it made clear that staff is recommending 60 feet and not 65 feet. The minor amendment was requested for a sign that is allowed in the corridor district from 50 feet to 60 feet.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment for PUD-489/Z-6357-SP-1, subject to the pole sign being 60 feet in height per staff recommendation.

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PUBLIC HEARINGS:

14. **Unit Corporation-** Preliminary Subdivision Plat, Location: Southeast corner of West 81st Street South and South Union Avenue (8214) (CD 2)

STAFF RECOMMENDATION:

This plat consists of 2 Lots, 2 Blocks, on 30.6 acres.

The following issues were discussed September 19, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Corridor (CO Z7236-SP 1/Z-7115-SP-2).
2. **Streets:** Provide right-of-way reference for entire length of property along 81st Street. Provide 30 foot radius at intersection of 81st Street and Union Avenue. Why does the property extend past the 20 foot right-of-way at the north end of the property along Union Avenue? Section I refers to right-of-way dedication but none is shown on face of plat. Section I.14 refers to mutual access easement but none are shown on face of plat. Clarify if the reserve areas are intended to be mutual access easements. Sidewalks should be provided along the private street/mutual access easements. Fifty feet is maximum allowable access break so change the 65 foot break shown on 81st Street.
3. **Sewer:** Due to the depth of the proposed sanitary sewer line along the eastern boundary, and between lots 1 & 2 of both blocks, we will need a wider easement than the 17.5 foot utility easement shown. Provide the usual 22 foot utility easement that is standard in back to back utility easements. All 8 inch and larger sanitary sewer lines, both public and private, must be approved through the Infrastructure Development Plan (IDP) process. If the proposed building will require an 8 inch service line, then you need to include it on your IDP submittal.

4. **Water:** Clarify whether the existing 12 inch waterline has a sufficient depth for the proposed drive of Reserve Area A and whether the existing waterline needs to be lowered. Clarify whether the fire hydrants have valves installed at the fire hydrant locations to allow for isolation and the type of material being used for the proposed 8 inch waterline.
5. **Storm Drainage:** In Section I.1.10 the term “The Owner” is used a number of times. Once all lots are sold who is the owner of Reserve B? Recommend maintenance be the responsibility of the Association. Section I.1.10 should be part of Section I.2.2. Use the standard language for detention in reserves. In Section I.1.12 remove the reference to City’s enforcement of the roof drain requirements. With the proposed separation on the buildings, roof runoff is not an issue for the City.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO needs additional easements. **Airport:** An airspace study needs to be completed for the site. A release letter from the airport representative will be necessary.
7. **Other: Fire:** Fire hydrant must be within 100 feet of stand pipe connection.
8. **Other: GIS:** Complete location map. Show e-mail address for engineer and surveyor. Show full and proper legal description. Show existing storm drainage structures. Show addresses. Submit subdivision control data sheet.

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. See attached request for a fee-in-lieu of sidewalk waiver for a part of the project.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

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

Mrs. Fernandez stated that there has been a few issues raised by Mr. Shafer, attorney for the property owners to the south of the subject property. Mrs. Fernandez explained that Mr. Shafer wants to make sure that the full south 30-foot building line is shown and that the legal descriptions are correct, the 100-foot building line be shown through the Reserve B area and the three-foot fence and utility easement be defined in the covenants and on the face of the plat. Mrs. Fernandez stated that staff doesn't have a particular problem with these requests. This is a preliminary plat and it does have conditions attached to it. Mr. Shafer is also concerned about Section 5.3 and he believes that it is contrary to State Law, which is how one amends a plat. Mrs. Fernandez explained that City Legal will have to discuss Section 5.3 with Mr. Shafer.

INTERESTED PARTIES COMMENTS:

John L. Shafer, III, 427 South Boston, #707, 74103, representing the property owners to the south of the subject property, stated that his concern is that the 30-foot building line is properly set forth on both the plat and in the covenants.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Shafer to explain how that building line is important to him, should it be bigger, less or is it enough. Mr. Shafer stated that his client negotiated with Unit Corporation and felt it was generous with the 30 feet, but of course would like it to be bigger, but there has been some discussion and an agreement reached on that decision, but want to make sure that it is preserved at the minimum of 30 feet.

Applicant's Comments:

Nicole Watts, Kinslow, Keith & Todd, 2200 South Utica, Suite 200, 74114, stated that she doesn't have a problem showing the 30-foot building line. She explained that it wasn't shown on the preliminary plat because the easements were greater than the 30-foot building line. Ms. Watts stated that she will work with Legal to make sure that verbage is correct and approved.

TMAPC COMMENTS:

Mr. Dix asked Ms. Watts about the request for fee-in-lieu for the sidewalks. Ms. Watts stated that there are two locations and she proposes to build sidewalks between the two drives along 81st Street and Union. East of the driveway toward US 75 is hilly and several problems with building a sidewalk. Mr. Dix asked Ms. Watts if she planned to build a sidewalk from the driveway on 81st West around the corner south to the other driveway. Ms. Watts answered affirmatively. Ms. Watts explained that her client will pay the fee-in-lieu for the portions that can't be built at this time.

Doug Duke, Senior Engineer of Development Services, Tulsa, stated that the fee-in-lieu is based on the square footage costs, but he is not sure of the exact number.

Mr. Leighty asked what the total amount of sidewalk that would be required and how much will be built and how much would be for the fee-in-lieu. Ms. Watts stated that the total is close to 2,000 feet and approximately 416 feet will not be built. Mr. Leighty asked who would pay for the sidewalks when US 75 intersection is reconstructed. Ms. Watts stated that the fee-in-lieu will be paid and it would be worked out between the City of Tulsa and ODOT when that intersection is reconstructed. Ms. Watts explained about design criteria for Tulsa. Mr. Leighty stated that he understands that there are times it is not easy to install a sidewalk, but it

possible. Mr. Leighty asked if it would be safer to not have sidewalks at all.

Mr. Duke stated that usually there is a curb separating the sidewalk from the road and in this case there is no curbing. To have a curb next to a road in this subject area would be having a sidewalk on the shoulder of the road. Mr. Duke stated that City staff felt that if there wasn't a sidewalk that anyone choosing to walk would walk farther away from the road. Mr. Leighty explained that some people only have the option to walk and sidewalks are necessary.

Mr. Perkins stated that there is a lot of land above the culvert where the sidewalk could be installed. Mr. Duke stated that that is true, but then it would be a dead-end sidewalk at the top of a hill and no way to connect in the future to the interchange below. Mr. Duke further stated that it would be diverting foot traffic to where one wouldn't want to take a sidewalk. Mr. Perkins stated that he sees the sidewalk looping around and down to US 75. Mr. Duke stated that would be the interstate frontage road and the City has no control on their right-of-way. Mr. Perkins stated that he believes that there is a way to do this. Mr. Duke stated that Mr. Tohlen informed him that he met with officials and Engineers on the site and in their professional opinion they didn't believe it would be safe to force the sidewalk. Mr. Duke commented that his Department doesn't take sidewalk waivers lightly and try to work it out to have the sidewalk. Mr. Perkins stated that in his professional opinion, he believes that Mr. Tohlen and staff need to work harder for sidewalks. Mr. Duke stated that his Department is trying to work toward sidewalks. In response to Mr. Perkins, Mr. Duke explained that he understands that fee-in-lieu of sidewalks is not necessarily put in a general fund, but is in an account that is setup so that the City can build other sidewalk improvements from that fund. Mr. Duke stated that it can't necessarily be ear-marked for the subject property improvement. Mr. Perkins asked if the fees are placed in an account for sidewalks somewhere in the City of Tulsa. Mr. Duke stated that it is his understanding that it has to be in the general vicinity of the area which the fee was collected.

Mr. Duke explained the timing of sidewalks being a part of street improvements and how it is paid for. In response to Mr. Leighty, Mr. Duke stated that there is not a funded plan at this time to do the street improvements that he is aware of.

Mr. Covey asked Mr. Duke if he is recommending the waiver of sidewalk. In response, Mr. Duke answered affirmatively.

Mr. Dix stated that he understands fully why the sidewalk is not being required to the overpass, but why not build the sidewalk in front of Reserve Area B. Mr. Duke stated that it is his understanding it is because of topographic challenges and a steep barrow ditch. The City standard generally places the sidewalk a 1.5 feet from the right-of-way. In the subject area that would place the sidewalk in an area that wouldn't allow it to be ADA compliant or safe. Mr. Dix asked Mr. Duke if the City staff did a site visit to determine that it wouldn't be possible. Mr. Duke indicated that the site was visited. Mr. Dix stated that it can be done, but it would cost. Mr. Duke stated that the City Staff's decision was based upon the challenges and when 81st Street is widened the sidewalks would be torn out. Mr. Dix stated that he is talking about Union. Mr. Duke stated that there are no funded plans to widen Union. Mr. Dix stated that a retaining wall could be built and a sidewalk could be built on top of the retaining wall. Mr. Duke stated that the only issue with that is that very south end of the subject property line may have a dead-end sidewalk that is 15 feet above the adjacent property and that wouldn't be ADA compliant because some visually impaired could be on the sidewalk and it would drop off. Mr. Duke explained that there are safety considerations that were taken into account. Mr. Duke further explained that the fee-in-lieu can be used in projects nearby that are disconnected and sidewalks would be helpful.

Mr. Leighty stated that he believes that something needs to be on the record. The \$4.00 per yard for a sidewalk would not get anywhere to getting a sidewalk down there and fee-in-lieu is saving the applicant some major dollars. Mr. Duke stated that the vast majority of the frontage will have sidewalks and if they were trying to save money they would have asked for fee-in-lieu of the entire project, but they are willing to do the majority and they have a good reason to not install the entirety due to safety. Mr. Leighty stated that it appears that 75% of the property is being side-walked and that is good.

Mr. Perkins stated that he hears about sidewalks to nowhere and if there is always a concerned about building sidewalks to nowhere there would never be any sidewalks built. Mr. Perkins further stated that he fails to see why the applicant is willing to build sidewalks in some areas of the subject property and not the others, because they are sidewalks going to nowhere. The fee-in-lieu will never come close to covering the cost of building the sidewalk when the streets are improved. Mr. Perkins stated that he can't support the waiver of sidewalks.

Ms. Watts stated that her client wants to develop this correctly and not trying to side step anything. She explained that 81st Street has no place for a pedestrian to walk underneath the underpass at all. Ms. Watts indicated that she has talked with Division 8 and they realize that they have an issue in the subject area and are pushing the improvement

project up because they know that they are the bottleneck of the subject area. Ms. Watts explained that a sidewalk would be leading someone to a place where it is very dangerous to try and walk alongside the road. Once the underpass and 81st Street is improved it will be able to connect to the Unit Corporation's sidewalks. Ms. Watts stated that on Union the barrow ditch took up the whole right-of-way and there would be problems trying to place it. Ms. Watts further stated that she would be more willing to build it along Union before building on 81st Street simply for the safety reasons. Ms. Watts commented that her client is willing to do whatever necessary, but the sidewalk issue is more of a logistics issue.

Mr. Leighty asked Ms. Watts if she is saying she would build a sidewalk along Union. Ms. Watts stated that it would be the 246 feet of sidewalk that was being asked to be waived. Mr. Dix stated that there are two ways it could be done, pipe it and close the ditch or build a retaining wall on the side of the ditch and it would raise it. Ms. Watts stated that building a retaining wall in the utility easements is usually an issue. Ms. Watts further stated that there are ways around this and she would have to work with the City staff and the utility companies. Ms. Watts commented that Union is very steep.

Mr. Perkins asked staff if the Sonic site adjacent to US 75 near Tulsa Hills has a sidewalk that goes to nowhere and dead-ends into Highway 75. Mr. Wilkerson answered affirmatively. Mr. Perkins stated that this applicant is not being made to put in a sidewalk, but Sonic was forced to and he has a hard time with this.

Mr. Midget moved to approve per staff recommendation with the fee waiver except for Area B along Union will have sidewalks.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-1-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; Perkins "nay"; none "abstaining"; Carnes "absent") to **APPROVE** the preliminary plat for Unit Corporation per staff recommendation, subject to accepting fee-in-lieu for waiver of the sidewalk along 81st, subject to sidewalks required along Area B/Union frontage, subject to special conditions and standard conditions.

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15. **PUD-801 – Lou Reynolds/Crossbow Center**, Location: Northwest corner of South Garnett Road and East 41st Street, Requesting a PUD for redevelopment of Crossbow Center, (CD-6) (Continued from 9/18/13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11825 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6776 July 2000: All concurred in approval of a request for rezoning a 15± acre tract of land from AG to CS on property located on the northeast corner of East 41st Street and the Mingo Valley Expressway, and west of subject property.

Z-6582 March 1997: All concurred in approval of a request to rezone a 10± acre tract of land from CO to CS for retail use, located on the southwest corner of South Garnett Road and East 41st Street, and abutting south, across E. 41st St., from subject property.

Z-5444-SP-2 October 1994: All concurred in approval of a request for a Corridor Development Plan on a 1± acre tract of land for dry cleaning use, on property located on the southeast corner of East 41st Street and South 109th East Avenue.

Z-5444-SP-1 1982: All concurred in approval of a request for a Corridor Development Plan on a 7± acre tract of land for hotel use, on property located west of the southwest corner of East 41st Street and South Garnett Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9± acres in size and is located Northwest corner of South Garnett Road and East 41st Street. The property appears to be used commercially and is zoned CS.

SURROUNDING AREA: The subject tract is abutted on the east by South Garnett Road, across the street further east is a commercial corner, zoned CS; on the north by a significant drainage system and across the drainage green space is a single family residential subdivision, zoned RS-3; on the south by East 41st Street then further south is a commercial development, zoned CS; and on the west a large grocery store and commercial area also Zoned CS.

UTILITIES: The subject tract has municipal water and sewer available as defined in detail in the staff summary below.

TRANSPORTATION VISION:

The Comprehensive Plan designates East 41st Street South as a Multi-modal Street.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Staff Comment: The Planned Unit Development at this location encourages pedestrian connections that were never part of the original development of this site. The original project was developed prior too many of the current concepts identified in the Comprehensive Plan. There is nothing in this project that will complicate the ultimate transportation vision in this location. The pedestrian improvements will provide appropriate links throughout the project which will support the evolution of the transportation vision in this area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Garnett Road	Secondary Arterial	100'	4+ turning lanes
East 41 st Street South	Secondary Arterial	100'	4+ turning lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

AREAS 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 Summary: The proposed shopping center redevelopment is completely consistent with the Area of Growth concept designation in our Comprehensive Plan. The redevelopment of the property is being proposed to increase economic activity in the area for existing residents and business.

TOWN CENTER

PUD-801 is part of a larger Town Center Designation. The Town Center is defined as a 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 Summary: The redevelopment of this area is part of a larger Town Center Designation shown on the Land Use Map in the Comprehensive Plan. This area does not cover more than 25% of the Town Center Designation which extends from South Garnett to Highway 169 on both sides of East 41st Street South. The majority of this particular Planned Unit Development includes retail, dining, services and employment opportunities.

STAFF SUMMARY:

I. Applicant Development Concept

This Planned Unit Development (“PUD-801”) is for the redevelopment of the Crossbow Center (the “Center”).

The Center is comprised of approximately 8.9 acres of land north and west of the intersection of East 41st Street South and South Garnett Road.

An Aerial Photograph of the Center and surrounding area land uses is attached hereto as Exhibit "B".

The Center was originally developed in the early 1970's by local developers Robert Traband, Ken Tooman and their partners. When the Center was originally conceived, it was believed that what is now Woodland Hills Mall would be located near the southwest corner of East 41st Street and South Garnett Road. Like many commercial shopping center developments of that time it was intended to be open air with a lot of pedestrian activity similar to the Farm Shopping Center and the Southland Shopping Center. Original anchor tenants to occupy the Center were C.R. Anthony's, a clothing store, and Furr's Cafeteria, along with various small sole proprietor merchants, restaurants, an auto parts store, a laundromat and other service business.

Over time the nature of retail and consumer habits changed and the success of the larger anchor tenants in the Center began to decline. What had been one of the highest grossing C.R. Anthony's stores in Oklahoma began to falter shortly after that chain was acquired in a leveraged buyout. As shoppers headed to the malls, C.R. Anthony's new management failed to adapt. It closed roughly two years after the leveraged buyout. Several years later, Furr's Cafeteria failed, probably due in part to the lack of an anchor for the Center. These tenant departures left the Center with some rather large and difficult to lease storefronts.

The Center is in the vicinity of a mix of middle class neighborhoods, apartments and daytime office workers. The area's daytime population swells as these office workers and others enter the area for work. For the Center to be successful it needs to cater to both populations. Currently the property is configured primarily for the residential customer. The purpose of PUD No. 801 is to reconfigure the Center in a manner that will attract more of the daytime customers with tenants that will also be appealing to the residents of the area. The Center will continue to make storefronts available for the smaller service type tenants, a local grocery, and hopefully "junior box" retailers while cleaning up the corner and giving the area a more appealing look.

Attached hereto as Exhibit "A" is a Conceptual Site Illustration of the proposed plan for the redevelopment of the Center.

No zoning change is necessary to support PUD No. 801. The existing zoning is shown on the Area Zoning Map attached hereto as Exhibit "H".

II. Development Standards

A. Land Area:

GROSS:	468,911 SF	10.765 AC
NET:	397,425 SF	9.124 AC

B. Permitted Uses:

~~Uses permitted as a matter of right and special exception in the CS – Commercial Shopping District, except Use Unit 12a., Adult Entertainment Establishment, and uses of a nature customarily accessory thereto.~~ Uses permitted as a matter of right and special exception in the CS – Commercial Shopping District, except Use Unit 12.a., Adult Entertainment Establishment*, and uses of a nature customarily accessory thereto.

*provided, however, one (1) Use Unit 12.a., Bar, not to exceed 2,800 SF may operate at 4820 South Garnett Road provided such use shall expire and terminate upon the earlier of: 1) one (1) year from the date of approval of PUD-801; or 2) the demolition of the building in which such bar is located.

C. Maximum Building Floor Area: 175,000 SF

D. Maximum Building Height: 35 FT*

*Architectural elements (elements extending above building roofline) up to 50 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

E. Off-Street Parking:

Pursuant to Section 1106., Off-Street Parking and Loading., of the Tulsa Zoning Code, off-street parking on the lots in the Center may be in common and when calculated in the aggregate will provide at least the minimum number of off-street parking spaces required by the applicable Use Units of the Tulsa Zoning Code for all of the lots in the Center. Provisions for the ownership and maintenance of any common off-street parking will be incorporated into the Subdivision Plat or other Restrictive Covenants in compliance with Section 1107.F, Planned Unit Development Subdivision Plat, of the Tulsa Zoning Code. Each site plan shall meet the minimum parking requirements on its individual parcel or provide a parking analysis of the total center identifying all uses.

F. Minimum Building Setbacks:

From the North boundary	30 FT
From the East boundary (S. Garnett Rd.)	50 FT
From the South boundary	50 FT
From the West boundary	10 FT
From internal lot lines	0 FT

G. Landscaped Area:

A minimum of fifteen percent (15%) of the total area of the Center will be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The minimum landscaped area of each lot shall be established at Detailed Site Plan Review. The requirements of the Landscape Chapter of the Tulsa Zoning Code for each lot in the Center may be altered by an Alternative Compliance Landscape Plan with Tulsa Metropolitan Area Planning Commission approval as a part of the Detailed Site Plan Review for the lot.

H. Signs:

1. Ground Signs:

One ground sign will be permitted on each lot with frontage abutting East 41st Street South and South Garnett Road rights of way with a maximum of two (2) SF of display surface area per linear foot of lot frontage and 25 FT in height.

The existing ground sign currently being used for Delta Café may exceed the 25 foot height. That sign may be used for the restaurant use and may be maintained and refaced. If at any time the sign is structurally modified, destroyed or demolished for any reason the replacement sign must be constructed meeting the standards outlined herein.

2. Monument Signs:

One monument sign at the common entry point in to the Center from East 41st Street South and one monument sign at the common entry point of the center from South Garnett Road identifying businesses within the Center with a maximum of 400 SF of display surface area for each sign and 30 FT in height.

3. **Wall Signs:**

Wall signs shall not to exceed 2 SF of display surface area per lineal foot of building wall to which attached. The length of the wall signs shall not exceed 75% of the frontage of the building.

I. **Lighting:**

All light standards including building mounted shall be hooded and directed downward and away from the boundaries of the Center. Shielding of outdoor lighting shall be 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 an adjacent residential area. Compliance with these standards shall be verified by application of the Kennebunkport Formula or other Illuminating Engineering Society of North America (IESNA) recommended practice which will verify compliance with the Tulsa Zoning Code Lighting Standards. Consideration of topography must be considered in these calculations.

J. **Trash and Mechanical Equipment Areas:**

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

III. Landscape and Screening Concept

Landscape Standards: As is evident from the aerial photograph, the subject tract is far from meeting the current landscape requirement for the City of Tulsa as set forth in Chapter 10 of the zoning Code. When the center was originally constructed in the 1970's there was no landscape requirements associated with development. The Planned Unit Development will provide 15% green space as calculated within the boundary of the entire PUD. Street right-of-way cannot be calculated as part of the green space requirement.

Green space calculations shall also exclude green areas that may be north of the existing shopping center building. Individual lots may not meet 15% green space however meaningful open space will be provided adjacent to the main drive aisles and street frontage similar to the conceptual plan included in this application. The landscape and site plan

for the shopping center shall provide appropriate calculations for each parcel to prove the green space calculation.

All lots or parcels will meet or exceed the minimum tree requirements as defined in the Landscape Chapter of the Zoning code and noted below:

1. No parking space will be further than 75 feet from any green space with a tree in each required green space. The green space shall be a minimum of 100 square feet.
2. The trees size and species shall meet or exceed the minimum standards as defined in the Landscape Section of the Code.
3. Trees required in the street yard shall meet or exceed the minimum standards defined in the Landscape Chapter of the Zoning Code.

Screening Standards: Screening standards for this Planned Unit Development shall meet or exceed the CS standards outlined in the Tulsa Zoning Code.

IV. Access and Circulation

Currently, Crossbow Shopping Center has six access points exist along the 41st Street frontage and six along the Garnett frontage. There are an additional two access points along 41st Street for the abutting property to the west (containing Reasor's). During the platting process, the number of access points will be reduced to provide more efficient and safer access. There will one primary 'boulevard' type access drive that will serve the entire shopping center on both East 41st Street and South Garnett Road. Cross-access for all lots within the PUD and the abutting Reasor's property will be provided for. Final location of access points will be worked out with the Traffic Engineering Department of the City of Tulsa.

V. Environmental Analysis

A. Topography:

The subject tract is improved (paved and contains buildings) and is generally flat. The property does slope from a high elevation at the southeast corner of the development of 668.54' to a low elevation of 658.0 in the northwest corner. An approximate 1.25% slope from southeast to northwest is present across the site. There are no significant topographic considerations for re-development of this site.

B. Utilities:

1. Water

A City of Tulsa 48" major trunk waterline currently is located along the south side of the PUD (north side of E. 41st Street South). Additionally, an 8" waterline is located along the west side of South Garnett Road and along the north side of the property. There is more than adequate water service available to serve all proposed uses.

2. Sanitary Sewer:

A City of Tulsa 8" sanitary sewer line is located along the north side of the subject tract which runs through the tract to serve buildings along the Garnett frontage.

Other utilities, including electricity, gas, telephone and cable television are available for the site.

The Existing Utilities are shown on Exhibit "G".

C. Drainage:

1. Soils

The subject tract consists primarily (94%) *Okemah-Parsons-Pharoah complex, 0 to 1 percent slopes* and (6%) *Radley silt loam, 0 to 1 percent slopes, frequently flooded soils*. Both soils have "Very Limited" ratings due to Shrink-swell characteristics associated with them for commercial buildings. Prior to construction, a detailed geotechnical report will be performed to properly design building foundations and parking lot specifications. Significant restrictions to re-development because of soil limitations are not anticipated.

2. Flood Plain

According to FEMA Firm Panel 40143C0376L a small area of Zone AE floodplain exists on the north side of the subject. Current building finished floor elevations have been surveyed and have been identified as being above the floodplain elevation. Any new construction will meet both FEMA and City of Tulsa regulations in regards to floodplain.

VI. Area Zoning:

The Existing Comprehensive Plan Map is attached hereto as Exhibit "I" and the Area Zoning Map is attached hereto as Exhibit "H".

VII. Site Plan Review:

No Building Permits shall be issued for any building within the Center until a Planned Unit Development Detailed Site Plan and Detailed Landscape Plan for that lot or parcel have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved Planned Unit Development Standards.

VIII. Schedule of Development:

Redevelopment in the Center is scheduled to begin in early 2014 after approval of the Planned Unit Development, Detailed Site Plan approval, and the re-platting of the Center.

IV. Applicant Exhibits:

<u>Exhibit "A"</u>	-	Conceptual Site Illustration
<u>Exhibit "B"</u>	-	Aerial Photograph
<u>Exhibit "C"</u>	-	Landscape Concept
<u>Exhibit "D"</u>	-	Access and Circulation
<u>Exhibit "E"</u>	-	Soil Map
<u>Exhibit "F"</u>	-	Floodplain Map
<u>Exhibit "G"</u>	-	Existing Utilities
<u>Exhibit "H"</u>	-	Current Zoning
<u>Exhibit "I"</u>	-	Comprehensive Plan

STAFF RECOMMENDATION:

The proposed redevelopment for this shopping area as part of a larger Town Center is consistent with the vision in the Comprehensive Plan. The incremental improvements being proposed provide opportunities for future development that may be provided in a way that will encourage this area as part of a larger Town Center development area.

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

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

Therefore staff recommends **APPROVAL** of PUD-801 as defined in the Staff Summary and exhibits referenced above.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he is in agreement with the staff recommendation, but there is a bar existing in the subject development and they need to remain legally in

operation for no longer than one year or until the subject building is torn down. Mr. Reynolds submitted the language for the 12.a. use.

TMAPC COMMENTS:

In response to Mr. Walker, Mr. Reynolds stated that this will be a partial scrape and redevelopment.

Mr. Wilkerson stated that the sign in front of Delta Café can only be refaced, but if they make a structural modification or it is destroyed it will have to be rebuilt back to the standards of the PUD.

Mr. Reynolds stated that the PUD standard is 25 feet for sign height and the subject sign is about 30 feet. Mr. Reynolds stated that the sign is with the lease and nothing can be done about it at this time.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **PERKINS**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of PUD-801 per staff recommendation, subject to added language submitted by the applicant. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-801:

A TRACT OF LAND THAT IS A PART OF LOT ONE (1) BLOCK ONE (1), "CROSSBOW CENTER ADDITION" (PLAT NO. 3537), AND A PART OF LOT ONE (1) BLOCK ONE (1) "CHRIS-DEE ADDITION" (PLAT NO. 2898), AND A PART OF LOTS ONE (1) AND TWO (2) BLOCK ONE (1), "JENNY MARIE" (PLAT NO. 2882), ALL BEING ADDITIONS TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 BLOCK 1, "CHRIS-DEE ADDITION", SAID POINT ALSO BEING ON THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTH GARNETT ROAD; THENCE SOUTH 01°24'59" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 256.38 FEET TO A POINT; THENCE SOUTH 04°17'43" WEST AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 80.32 FEET TO A POINT; THENCE SOUTH 01°25'02" EAST AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 244.22 FEET TO A POINT; THENCE SOUTH 43°36'10"

WEST AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 41.32 FEET TO A POINT ON THE PRESENT NORTHERLY RIGHT-OF-WAY LINE OF EAST 41ST STREET SOUTH, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID LOT 1, BLOCK 1, "JENNY MARIE"; THENCE SOUTH 88°37'04" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 673.84 FEET TO A POINT, SAID POINT BEING ON THE SOUTH LINE OF SAID LOT 1 BLOCK 1, "CROSSBOW CENTER ADDITION"; THENCE NORTH 01°21'10" WEST FOR A DISTANCE OF 233.22 FEET; THENCE NORTH 88°38'50" EAST FOR A DISTANCE OF 38.01 FEET; THENCE NORTH 01°21'26" WEST FOR A DISTANCE OF 70.31 FEET; THENCE NORTH 88°37'04" EAST FOR A DISTANCE OF 61.15 FEET; THENCE NORTH 01°21'10" WEST FOR A DISTANCE OF 306.34 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 BLOCK 1, "CROSSBOW CENTER ADDITION"; THENCE NORTH 88°37'32" EAST ALONG AND THROUGH SAID NORTH LINE, FOR A DISTANCE OF 611.23 FEET TO THE POINT OF BEGINNING.

* * * * *

OTHER BUSINESS

16. Consider initiation of rezoning for the Berryhill Annexation Area.

STAFF RECOMMENDATION:

Item: Consider initiation of rezoning for the Berryhill Annexation Area

Background: The Tulsa City Council annexed properties along the Gilcrease Expressway alignment in 2011 along with a correction ordinance in August 2012. All property that was annexed at that time was brought in to the City limits with a zoning classification of AG (Agriculture Zoning) per the annexation ordinance and the City of Tulsa existing Zoning Code regulations.

The primary purpose of this rezoning effort is to correct nonconformities that exist as a result of the annexation and resulting AG zoning. Staff has identified three subareas in need of rezoning consideration.

Pursuant to Section 1703.B of the Zoning Code, zoning map amendments may be initiated by the Planning Commission. After the project has been initiated by the TMAPC, staff will hold meetings with property owners in the affected area and prepare for the rezoning process through the Planning Commission and City Council.

Recommendation: Staff recommends that the Planning Commission initiate zoning map amendments to rezone certain properties within the Berryhill Annexation area.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the initiation of rezoning for the Berryhill Annexation area.

* * * * *

17. Consider initiation of rezoning for portions of Buena Vista neighborhood, generally located northeast of the intersection of Riverside Drive at West 21st Street.

STAFF RECOMMENDATION:

Item: Consider initiation of rezoning from RM-2 to RS-4 for portions of the Buena Vista Historic District and located generally northeast of the intersection of Riverside Drive at West 21st Street.

Background: In 1970 this area was zoned RM-2 as part of the City wide zoning associated with the adoption of our current Zoning Code and policies. At that time a large portion of this neighborhood was already single-family residential property. The area is not part of a Historic Preservation (HP) zoning overlay; however, it is part of the Buena Vista Historic District recognized by the Tulsa Preservation Commission and is on the National Register of Historic places.

The Comprehensive Plan recognizes this area as an existing Downtown Neighborhood and recognizes the importance of preserving downtown historic neighborhoods. The neighborhood association has made several attempts to include non-responsive property owners of four lots; however, they have never received any feedback of approval or denial from those property owners. With one exception every other single-family residential property has agreed to the re-zoning request. It is staff opinion that the four lots owned by the non-responsive property owners should be included in this zoning request. Should the Planning Commission initiate a zoning map amendment, the property owners of those lots will be approached again and will be invited to attend a public meeting as part of this process.

Staff has performed an analysis of the facts and circumstances of the property, surrounding uses and zoning districts, and the Comprehensive

Plan to determine whether rezoning the property RS-4 would be advisable and has concluded that the facts are supportive of the zoning change. The property is abutted on the west by South Carson Avenue; however, further west across the street is multifamily residential development zoned RM-2 on the south by one lot that will remain RM-2. Further south is the 23rd Street interchange and bridge crossing the Arkansas River. Commercial and multifamily residential properties zoned RM-2, OM, OH, and CH abuts the property on the east. On the north the property is abutting an HP overlay for the Council Oak Tree area. The Comprehensive Plan designates the property "Downtown Neighborhood" which would be consistent with RS-4 zoning.

Pursuant to Section 1703.B. of the Zoning Code, zoning map amendments may be initiated by the Planning Commission. After the proposal has been initiated by the TMAPC, staff will hold meetings with property owners in the affected area and prepare for the rezoning process through the Planning Commission and City Council.

Recommendation: Staff Recommends that the Planning Commission initiate a zoning map amendment to rezone the properties illustrated on the attached exhibit.

Mr. Wilkerson stated that the subject properties are already nonconforming and there is no zoning classification to remedy their nonconformity. Mr. Wilkerson further stated that RS-4 is the closest rezoning that could be given to the small lots.

In response to Mr. Leighty, Mr. Wilkerson stated that Amanda DeCort, City of Tulsa Historic Preservation Planner, will be involved with the rezoning. Everything is single-family that is requesting rezoning to RS-4.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the initiation of rezoning for portions of Buena Vista Neighborhood, generally located northeast of the intersection of Riverside Drive at West 21st Street.

* * * * *

18. Commissioners' Comments

None.

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TMAPC Action; 10 members present:

On **MOTION** of **PERKINS**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **ADJOURN** TMAPC meeting No. 2659.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:51 p.m.

Date Approved:

11-6-13



Chairman

ATTEST:



Secretary