

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2661

Wednesday, November 6, 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	VanValkenburgh, Legal
Dix		Huntsinger	Warrick, COT
Edwards		Miller	
Leighty		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 31, 2013 at 4:50 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Director's Report:

Ms. Miller reported on the TMAPC Receipts for the month of September 2013. Ms. Miller further reported that the public hearing for the Utica Midtown Corridor Plan will be on November 20, 2013. Ms. Miller indicated that the three rezoning items that have been recently initiated are moving forward.

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Minutes:

Approval of the minutes of October 2, 2013 Meeting No. 2659

On **MOTION** of **SHIVEL**, the TMAPC voted 10-0-0 (Carnes, Covey, Dix, Edwards Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of October 2, 2013, Meeting No. 2659.

Minutes:

Approval of the minutes of October 16, 2013 Meeting No. 2660

On **MOTION** of **SHIVEL**, the TMAPC voted 10-0-0 (Carnes, Covey, Dix, Edwards Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the meeting of October 16, 2013, Meeting No. 2660.

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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.

3. **LS-20650** (Lot-Split) (CD-9) - Location: South of the southeast corner of East 36th Street South and South Trenton Avenue
4. **LS-20651** (Lot-Split) (CD-8) – Location: Northwest corner of East 74th Street South and South Yale Avenue
5. **LC-533** (Lot-Combination) (CD-6) – Location: West of the southwest corner of East 21st Street South and South 137th East Avenue
6. **LC-534** (Lot-Combination) (CD-2) – Location: Northwest corner of West 21st Street South and Southwest Boulevard
7. **LS-20652** (Lot-Split) (CD-3) – Location: North of the northwest corner of East Pine Street and North Evanston Place
8. **LC-536** (Lot-Combination) (CD-4) – Location: Northeast corner of East 9th Street South and South Cincinnati Avenue

9. **PUD-288-15 – Jack Arnold**, Location: West of the northwest corner of South Birmingham Place and East 27th Place South (2660 South Birmingham Avenue), Requesting a **Minor Amendment** to reduce the required rear yard setback from 25 feet to 20 feet, **RS-1/PUD-288**, (CD-4)

STAFF RECOMMENDATION:

The applicant is requesting a Minor Amendment to reduce the required rear yard setback from 25 feet to 20 feet on Lot 4, Block 1 Eight Acres. The current PUD references the RS-1 restrictions of the City of Tulsa Zoning Code for building setbacks. The RS-1 rear yard setback is 25 feet.

The proposed minor amendment is to allow two areas of the proposed structure to extend into the required rear yard by no more than five (5) feet. The portions of the structure that will extend into the rear yard are only a small fraction of the proposed 6,968 s/f structure. This platted subdivision has a self imposed 35-foot building setback that can only be enforced by the homeowners association or an individual. The applicant has indicated that they have received approval from the homeowners association to build closer than the required 35-foot building setback. With there being a self-imposed building setback, staff feels that there are safeguards in place to protect the neighborhood in the event they do not want the proposed structure to violate their neighborhood covenants.

Staff does not believe that the reduction in the rear yard setback will have a substantial impact on surrounding properties, that it is in character with the existing and anticipated development, and aligns the spirit and intent of the original PUD.

All other standards allowed in PUD-288 or modified through other amendments will still apply.

Staff recommends **APPROVAL** of minor amendment PUD-288-15.

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

10. **PUD-758-1 – Claude Neon Federal**, Location: Northwest corner of South Rockford Avenue and East 41st Street South (1418 East 39th Street), Requesting a **Minor Amendment** to allow projecting signs in addition to already allowed wall and monument signs, **RM-2/PUD-758** (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow projecting signs in addition to already allowed wall and monument signs within the Planned Unit Development. The current PUD Standards allow two (2) signs

identifying the apartment complex, either wall or monument not to exceed 48 s/f each in display surface area.

The proposed minor amendment would not increase the number of allowed signs or the allowable square footage of the size, but would merely allow for another type of sign (projecting) to be allowed. Staff does not believe that the addition of projecting signs to the PUD will have a substantial impact of the original intent of the PUD.

All other standards allowed in PUD-758-1 will still apply. Staff finds that the proposed amendment to allow projecting signs in addition to already allowed wall and monument signs is in character with the surrounding development and anticipated future development in the area. Staff believes that it will have little to no impact on the surrounding properties.

Staff recommends **APPROVAL** of minor amendment PUD-758-1.

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

11. **Z-7164-SP-1a – Lou Reynolds**, Location: Southwest corner of South Maybelle Avenue and West 81st Street South, Requesting a **Corridor Minor Amendment** to make South Olympia Avenue a public street with a bus cut-out, reduce pedestrian access from the south to two access points, to modify the maximum building height and to amend the minimum building setbacks, (CD-2) (Related to The Walk at Tulsa Hills Preliminary Plat)

STAFF RECOMMENDATION:

This item moved from the consent agenda.

12. **PUD-531 – Russell McDaries**, Location: Southeast corner of South Mingo Road and East 79th Street South, Requesting a **Detail Site Plan** approval for a multifamily development containing 145 units, **CO/PUD-531** (CD-7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a multifamily development containing 145 units. The proposed development is located in Development Area C of PUD-531.

PERMITTED USES:

Allowed uses are Use Unit 8 – Multifamily Dwellings and customary accessory uses found in the City of Tulsa Zoning Code (Section 402). 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.

LIGHTING:

Plans will meet the minimum requirements of the Planned Unit Development and the City of Tulsa Zoning Code before being forwarded to the City of Tulsa Permit office and the applicant for permits.

SIGNAGE:

The site plan illustrates the location of a monument or wall sign which requires 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 are 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 by persons standing at ground level. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:

The site plan displays adequate pedestrian circulation interior and exterior 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-531/Z-6034-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 145 Unit Multifamily Development.

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

13. **PUD-741-B-1 – Wallace Engineering/Jim Beach**, Location: East of the southeast corner of South Kingston Avenue and East 109th Place South (6016 East 109th Place), Requesting a **Minor Amendment** to reduce the required front yard setback from 20 feet to 18 feet, **RS-2/PUD-741**, (CD-8)

STAFF RECOMMENDATION:

This Item has been removed from the consent agenda.

14. **AC-125 – Gregory S. Helms**, Location: Southeast corner of West 36th Place South at South Olympia Avenue (1012 West 36th Place South), Requesting an **Alternative Compliance** for improvements to an existing bus storage and maintenance facility for Tulsa Public School System, **IL**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for improvements to an existing bus storage and maintenance facility for Tulsa Public School System.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code because many of the parking spaces for the storage lot will not be within 50 feet of a required landscaped area, as required by section 1002.B.1 of the Code.

In exchange for allowing large areas with storage spaces greater than 50-feet from a landscaped area, the applicant proposes to voluntarily

landscape the street yard and areas surrounding the buildings with trees and provide more trees than the storage area would require. The overall landscape plan and street yard, including sidewalk improvements, is part of the application.

The code allows the Planning Commission to approve Alternative Compliance Landscape Plans that do not meet the technical requirements of Chapter 10 of the code, so long as the submitted plan is, "equivalent to or better than" the requirements of Chapter 10.

The subject property is zoned IL. Chapter 10 of the Code states that 15% of the street yard on non-residential lots shall be landscaped. The alternative compliance landscape plan provides a larger grouping of trees and more street yard than is required by Chapter 10. The grouping provides a more significant urban forest than would be created if the a few trees were scattered through the parking area. This design solution provides greater benefit to the surrounding residential area.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan "be equivalent or better than" the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-125.

TMAPC COMMENTS:

Mr. Walker stated that Items 11 and 13 will be removed from the consent agenda and heard separately.

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** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 3 through 10, 12 and 14 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

11. **Z-7164-SP-1a – Lou Reynolds**, Location: Southwest corner of South Maybelle Avenue and West 81st Street South, Requesting a **Corridor Minor Amendment** to make South Olympia Avenue a public street with a bus cut-out, reduce pedestrian access from the south to two access points, to modify the maximum building height and to amend the minimum building setbacks, (CD-2) (Related to The Walk at Tulsa Hills Preliminary Plat)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to make South Olympia Avenue a public street with a bus cut out; to reduce the pedestrian access from the South to two (2) access points; to modify the maximum building height; and to amend the minimum building setbacks within the Corridor Development Plan.

Below is a table explaining the proposed changes to the existing Corridor Development Plan:

	Action	Standard
Original	ACCESS FROM SOUTH	Four (4) pedestrian access points from the South. <i>(1 along Maybelle, 3 from South Property Line)</i>
Amendment	ACCESS FROM SOUTH	Two (2) pedestrian access points from the South. <i>(1 along Maybelle, 1 Southwest corner, gated and limited to pedestrian and emergency access only)</i>

Original	SOUTH OLYMPIA AVENUE	South Olympia Avenue and its connecting street to South Maybelle Avenue will be private streets.
Amendment	SOUTH OLYMPIA AVENUE	South Olympia Avenue and its connecting street to South Maybelle Avenue will be public streets.

Original	MAXIMUM BUILDING HEIGHT	35 FT (Architectural elements and business logos may exceed the Maximum Building Height with Detailed Site Plan approval)
Amendment	MAXIMUM BUILDING HEIGHT	<p>Lots One through Seven 35 FT</p> <p>Lot Eight 35 FT*</p> <p>*The Maximum Building Height for the South 340 FT of Lot Eight is 35 FT and 45 FT for the remainder of Lot Eight.</p> <p>Architectural elements and business logos may exceed the Maximum Building Height with Detailed Site Plan approval.</p>

Original	MINIMUM BUILDING SETBACKS	From the southerly right-of-way line of West 81st Street 100 FT From the westerly boundary 25 FT From the south boundary 70 FT From the right-of-way line of South Maybelle Avenue 40 FT Internal lot side yards to be established by plat or detailed site plan.
Amendment	MINIMUM BUILDING SETBACKS	From the southerly right-of-way line of West 81st Street 60 FT From the westerly boundary 25 FT From the south boundary 70 FT From the right-of-way line of South Maybelle Avenue 40 FT From the right-of-way line of South Olympia Avenue 50 FT Internal lot side yards to be established by plat or detailed site plan.

The proposed amendments would not substantially alter the original intent of the corridor development plan as it relates to the overall design and aesthetic of development as a whole. The change in access points connecting to the south is a result of Hyde Park being platted without access points provided for. The proposed construction of South Olympia being developed as a public street aligns with the publicly maintained section of Olympia through Tulsa Hills. Additionally, the setback changes are a result of Olympia becoming a public street and right-of-way being dedicated along 81st Street. Lastly, the change in the maximum building height only effects the northerly portion of what is proposed as Lot-8, with all other height restrictions remain the same as the original Corridor Development Plan. Staff does not believe that the proposed amendments will have a substantial impact on the original intent of the Corridor Development Plan.

All other standards allowed in Z-7164-SP-1 will still apply. Staff finds that the proposed amendments are in character with the surrounding development and anticipated future development in the area. Staff believes that it will have little to no impact on the surrounding properties.

Staff recommends **APPROVAL** of minor amendment Z-7164-SP-1a.

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

TMAPC COMMENTS:

In response to Mr. Dix, Mr. Bates stated that the applicant is present and could address the issue with Maybelle Avenue.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that there isn't very much land and the detention ponds that are needed take up the parking issue. The neighbors to the south and east raised screening issues along Maybelle Avenue. There will be a sidewalk running along the west side of Maybelle Avenue for the full length of the subject property and there isn't a lot to be accomplished with a sidewalk and a wall. Mr. Reynolds explained that the nearest building is 135 feet from the Maybelle Avenue right-of-way and there is about 60 feet of right-of-way, which is about 200 feet from the neighboring property line and the nearest house is set back 50 feet from that property line. Mr. Reynolds proposed to bring in an enhanced landscaped plan during detail landscape plan approval. Mr. Reynolds indicated that the movie theater will be more than 200 feet from the property line before going to 45 feet in height, which will not have much impact and is the greatest change in the entire plan.

Mr. Reynolds stated that he has had several meetings with the neighbors to the south in Hyde Park. Mr. Reynolds submitted photographs of the subject area and the grade change (Exhibit A-6). There is a topographic situation in the northeast corner of Hyde Park. Mr. Reynolds indicated that the property tapers down and there is a three- to four-foot retainer wall in one of the neighbor's back yard. Mr. Reynolds's stated that his client has agreed to pay for the screening fence to be on the neighbor's retaining wall. Mr. Reynolds indicated that Mr. Regan is present and he is happy with that agreement. Mr. Reynolds stated that to limit the noise issues his client has agreed to limit the hours of trash pickup between the hours of 7:00 a.m. and 7:00 p.m.

Mr. Reynolds stated that he understands that Maybelle Avenue widened it as it is today is because the City of Tulsa wasn't able to get the right-of-way on the east side. The west side of Maybelle Avenue has been widened, but the east side hasn't and has never been dedicated. Mr. Reynolds concluded that this is a nice project and requested that it be approved.

INTERESTED PARTIES:

Bob Webber, 8410 South Nogales Avenue West, 74132 (Submitted a petition (Exhibit A-1) and photographs (Exhibit A-2); **Pat Regan**, 8402 South Nogales Avenue West, 74132; **Linda Mares**, 8359 South Maybelle, 74132; **Kaye Price**, 5815 South 31st West Avenue, 74107; **Angelle Cole**, 2440 West 81st Street, 74132;

INTERESTED PARTIES COMMENTS:

Met with the applicant on two occasions and an impromptu meeting immediately before today's meeting; not against the proposal and look forward to having shopping within walking distance; request that the applicant abate increased traffic noise, lighting, and visual unsightliness; request a restudy of the traffic flow on Maybelle Avenue; Life Church members are parking on Maybelle Avenue and making it difficult to pass the vehicles; request no parking signs on Maybelle Avenue; an agreement has been reached on how to screen the neighborhood; the first proposal was nicer and neighbors agreed with it; now the movie theater has been moved closer to houses and concerned about the lighting, crime, etc.; it is a residential street that the access to the movie theater will be located; three years ago the community welcomed this development, but today's presentation is very different; not getting the esthetics that were promised three years ago; oppose Olympia being made a public street because it only serves the shopping center; requested more trees for landscaping to screen the neighbors along Maybelle Avenue.

TMAPC COMMENTS:

Mr. Dix asked if there is any other time that the church parking is an issue except on Sunday morning. Mr. Webber stated that there are three morning services and three afternoon services on Sunday and Wednesday evening. The Wednesday evening doesn't cause this problem to his knowledge, but all of the morning services do cause the problems. Mr. Webber stated that he hasn't had the chance to talk with Life Church about this. Mr. Dix asked if Maybelle goes through to 91st. Mr. Webber stated that it doesn't go through. Mr. Dix stated that he wouldn't consider this a high-traffic street since it doesn't go through to 91st.

Applicant's Rebuttal:

Mr. Reynolds stated that there is more landscaping and trees with this project than there is with the proposed Walk. Mr. Reynolds stated that he has addressed the screening by proposing additional landscaping along the western boundary of the facility east of Lot 8. Mr. Reynolds further stated that he would support no parking along one side or the other on Maybelle Avenue. It appears that Life Church needs more parking than they have and it needs to be addressed. Mr. Reynolds pointed out that Ms. Mare is 100 feet to the south and is caddy-corner to the proposal. The southeast corner of the building is 261 feet from the property line (first building) and it will be 300 plus feet from Ms. Mares. The lighting issue will be addressed in the PUD and the sound issue will be addressed by limiting the garbage pickup between 7:00 a.m. to 7:00 p.m.

TMAPC COMMENTS:

Mr. Dix stated that he suspects that the movie theater will be unwillingly solving the parking problem for Life Church. Mr. Reynolds agreed.

Mr. Carnes moved to approve the minor amendment per staff recommendation. Mr. Covey seconded it.

Mr. Dix stated that he suspects that once more development is done along Maybelle Avenue, then the right-of-way will be given and the road widened on both sides. Mr. Dix further stated that he finds nothing wrong with the City of Tulsa having ownership of Olympia Avenue because it would now be built to City standards rather than the Developer's standards.

Mr. Liotta asked what the inclusion of Maybelle Avenue. Mr. Carnes stated that he is recommending that parking be only allowed on one side of Maybelle Avenue. Mr. Liotta asked if Maybelle Avenue is part of the subject development. Mr. Carnes answered negatively. Mr. Liotta stated that the parking could only be a 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 corridor minor amendment for Z-7164-SP-1a per staff recommendation and recommend that parking be allowed only one side of Maybelle Avenue.

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13. **PUD-741-B-1 – Wallace Engineering/Jim Beach**, Location: East of the southeast corner of South Kingston Avenue and East 109th Place South (6016 East 109th Place), Requesting a **Minor Amendment** to reduce the required front yard setback from 20 feet to 18 feet, **RS-2/PUD-741**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required front yard setback from 20 feet to 18 feet on Lot 6, Block 11 Tradition Blocks 8-11. The current PUD has the following development standards for **Development Area C**:

Land Area: 22.6 acres (net)

Permitted Uses: Use Unit 6, accessed by gated-private streets and uses customarily incidental to principal permitted uses.

Maximum Number of Dwelling Units: 55

Minimum Lot Area: 9,100 SF

Minimum Lot Width: 65 FT

Maximum Building Height: 40 FT

Setbacks:

From minor street:

Front – 20 FT

Corner lot-side yard -15 FT*

Interior Side-yards:

One side yard - 5 FT

Other side yard - 5 FT

*Garages fronting a private street shall be setback a minimum of 20 feet.

Livability Space: 5,000 SF

Per Dwelling Unit: 5,000 SF

Minimum within each lot: 3,000 SF

Minimum within Common Area: 100,000 SF

Other Bulk and Area Requirements: Per the RS-2 District

The proposed minor amendment is to allow an existing constructed structure to be sold. The requirement for meeting the building setback is part of having a clear title and cannot be met without the approval of this amendment. The existing garage was constructed 1.7' over the required front yard setback.

Staff does not believe that the reduction in the front yard setback from 20' to 18' will have a substantial impact on surrounding properties, that it is in character with the existing and anticipated development, and aligns the spirit and intent of the original PUD.

All other standards allowed in PUD-741-B or modified through other amendments will still apply.

Staff recommends **APPROVAL** of minor amendment PUD-741-B-1.

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

INTERESTED PARTIES:

Bill Wilkinson, 10910 South Sheridan, 74133; **Janet K. Thompson**, 11010 South Sheridan, 74133; **Tom Thompson**, 11010 South Sheridan, 74133.

INTERESTED PARTIES COMMENTS:

Requested a continuance to November 20, 2013 and requested staff to research how frequently the Planning Commission is asked to do a minor amendment for this type of problem; concerns with drainage; there is a tendency for developers to not follow the rules and then come in later and ask for forgiveness; (Issues brought forward by the Interested Parties were found unrelated to the request for the minor amendment.)

TMAPC COMMENTS:

Mr. Walker asked Mr. Wilkinson what the harm is in granting this minor amendment. Mr. Wilkinson stated that there are rules to follow and it seems that the practice is to ignore the rules and come in later and ask for forgiveness. Mr. Wilkinson stated that he lives in the subject area and there is a reason for these setback requirements. It is unsightly and not helpful to the values of the property owners living in the subject area. Mr. Walker asked Mr. Wilkinson if he met with the applicant. Mr. Wilkinson answered negatively.

Mr. Dix stated that he thought the request was for a built home and Ms. Thompson is talking about construction. Ms. Thompson stated that construction is still going on. Mr. Dix asked Ms. Thompson when the fence was pushed down. Ms. Thompson stated that she believes it was when the home in question was built and it is currently occupied. Ms. Thompson stated that the builder is building both houses. Mr. Dix asked when the fence was pushed down. Ms. Thompson stated that it was within the last two months. Mr. Dix asked if there was construction going on behind the subject house. Ms. Thompson stated that it was behind her property, which fronts on Sheridan.

Mr. Thompson indicated that he had a six-foot high fence on this property line and the developer cut 13.5 inches off of his fence on the bottom side. Mr. Dix explained to Mr. Thompson that the house he is indicating is not under application. Mr. Dix further explained to Mr. Thompson that the only request that the Planning Commission can address today is the request for the reduced front yard setback for less than two feet.

Applicant's Rebuttal:

Jim Beach, Wallace Engineering, 200 East Brady, 74103, stated that the house was built over the setback line by mistake. Mr. Beach explained that what happened is that the footing was set near or at the setback line and then when the skin was put on the building it tends to encroach over the setback line. These mistakes are made commonly and why it wasn't caught during inspection he can't answer. The house is built and is in violation of the front yard setback. The impact of the violation is less severe in this case since it is located on a cul-de-sac and is located on the outside of the curve. A small portion of the garage is over the setback line and encroaches by 1.7 feet. His client needs to close on the property and needs the minor amendment to do so.

TMAPC COMMENTS:

Mr. Walker stated that the violation and application is for 1.7 feet. In response, Mr. Beach stated that he requested two feet to give a little bit of wiggle room to make sure it is covered. The survey states that it is 1.7 feet and if that is the Planning Commissions wish he can live with it.

Mr. Dix asked Mr. Beach if this is a new house. Mr. Beach answered affirmatively. Mr. Dix asked if the violation was caused by the builder and now he needs to close at the mortgage company is stating that a portion of the garage is over the line. Mr. Beach answered affirmatively. Mr. Dix stated that understandably there are rules, but the Planning Commission is not going to make this owner tear down his garage for 1.7 feet. Mr. Dix stated that he will support this minor amendment. Mr. Dix suggested that the developer get a better surveyor because there is no 1.7 feet brick that he is aware of.

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 **APPROVE** of the minor amendment for PUD-741-B-1 per staff recommendation.

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PUBLIC HEARINGS:

15. **LS-20653** (Lot-Split) (CD 9) – Location: West of the northwest corner of East 44th Street South and South Harvard Avenue (Related to LC-535)

STAFF RECOMMENDATION:

The Lot-split proposal is to split an existing RS-1 (Residential Single Family) tract into two tracts. One of the resulting tracts will exceed the

Bulk and Area Requirements of the City of Tulsa Zoning Code. The other proposed tract will be combined with the lot directly to the East per LC-535. This tract will exceed the Bulk and Area requirements of the City of Tulsa Zoning Code.

Both 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.

Development Services has reviewed the Lot-Split/Lot-Combination and have no comments to date.

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** waiver of *Subdivision Regulations* and the lot-split for LS-20653 per staff recommendation.

Related Item:

16. **LC-535** (Lot-Combination) (CD 9) – Location: West of the northwest corner of East 44th Street South and South Harvard Avenue (Related to: LS-20653)

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 lot-combination for LC-535 per staff recommendation.

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17. **Dollar General 21st Addition** – Minor Subdivision Plat, Location: East of southeast corner of East 21st Street South and South Garnett Road (9417) (CD-6)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.97 acres.

The following issues were discussed October 17, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 800. Make sure setbacks are shown per PUD standards.
2. **Streets:** Access limit width should match proposed drive width. Dedicate as right-of-way ten feet of the existing 15-foot easement along 21st. Access is changing with replat.
3. **Sewer:** No comment.
4. **Water:** Add Block 2 and Lot 1 to the surrounding property. Add 17.5-foot utility easement to west and south property lines.
5. **Storm Drainage:** Reference is made to FEMA floodplain but City regulatory is also present and should also be referenced. Most of the references to storm water sewers and facilities have been removed from Section 1.C. Use standard language. Paragraph 1.C.5 should be removed. In paragraph 1.E. 2 remove the phrase “from various lots within the subdivision and “.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements are needed. PSO has transformers on the site.
7. **Other: Fire:** No comments.
8. **Other: GIS:** Need e-mail address for Engineer. Needs complete legal description and a subdivision control data sheet. Show square footages and acreages for lots. Remove the word “General” from the title of Section 1.A. Remove all references to Department of Public Works in Section 1.E and elsewhere if used. Use standard language.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 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 **APPROVE** the minor subdivision plat for Dollar General 21st Addition per staff recommendation, subject to special conditions and standard conditions.

* * * * *

18. **The Walk at Tulsa Hills –** Preliminary Plat, Location: Southeast corner of Highway 75 and West 81st Street South (8214) (CD-2) Related to Z-7264 SP 1a Corridor Minor Amendment

STAFF RECOMMENDATION:

This plat consists of eight lots, one block, on 20.4 acres.

The following issues were discussed October 17, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Corridor (CO Z-7164 SP1, SP2). A minor amendment is pending for the site. There are certain issues that need to be resolved including where exactly the sidewalks are planned, details concerning the temporary wall near the Hyde Park Addition to the south, if a crash gate between the additions is planned and how connectivity is planned and will circulate through the lots. If a minor amendment is approved on the same agenda as the Preliminary Plat issues will be resolved. The streets have been an issue for staff to review and an e-mail following describes the agreement for the street design.
2. **Streets:** For 50 feet right-of-way along 81st Street add "Dedicated by this plat". Provide name for east-west street north of Lot 8 and add note "Dedicated by this plat" for right-of-way along that street. With dimension lines show right-of-way along Maybelle Avenue and provide reference. Provide corner radius of 25 feet at corner of lots at all street intersections. How is access being provided to Lots 1 and 7? Right-of-way along unnamed east – west street is shown as 100 feet while on the plat it is 60 feet.

3. **Sewer:** Include all easements as shown on the Conceptual Plan. Show sanitary sewer easement on the plat. We do not need Section 1.9 if no sanitary sewer easement will be provided. The 20-foot utility easement where the sanitary sewer line crosses Lots 1, 2 and 4 should be a sanitary sewer easement. Provide the distances and bearings for this easement since it is not adjacent to a property line.
4. **Water:** Ten feet of waterline easement is needed adjacent to the 17.5-foot utility easement on the south side of Block 1, Lot 7. Along Olympia Avenue show a 17.5-foot utility easement on the east side. It is recommended that the proposed water main lines be installed on the east and south sides of the roadways eight feet off of the property/right-of-way lines. All proposed water mains are to be installed in a dedicated water easement; utility easement or public right-of-way. All water main line stubs crossing roadways in conduits for future development must have in-line valves. The proposed eight-inch dead end waterline along 81st Street requires staff approval and a dedicated easement. Fire hydrants' are to be spaced at 300 feet to 500 feet apart. Reference the project TMUA 91-1(52) for the existing eight-inch waterline along Maybelle Avenue. Check vertical and horizontal separation of proposed waterlines to other utilities. If the two-inch vertical and ten-foot horizontal separation is not met then the waterline must be ductile iron pipe. Show each lot's proposed water service connection points off of the mainline. For the proposed eight-inch waterline along the south property line of Lot 7, Block 1, an addition of ten feet of easement is needed. Ductile iron pipe is required for water mains installed under pavement. Verify if a 12-inch diameter size pipe is needed or if a smaller diameter pipe can be used to serve this development area.
5. **Storm Drainage:** Include all easements as shown on the Conceptual Plan. Use standard language for paragraph 1.12.1. Section 1.14 on roof drains is not required in this situation and the City will not be responsible for enforcement. If the owner/developer wants to include this section the enforcement will be the responsibility of the owners' association. As long as the roofs drain in accordance with the approved detention report, the City is satisfied. Minimum drainage easement width is 15 feet. Wider easements may be required. Reference Figure 301 of the Stormwater Management Manual to determine required widths.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO needs additional easements. Transmission lines may be in Reserve Areas or easements. Additional easements may be necessary.

7. **Other: Fire:** Provide mutual access easement to Lots 1 and 7, Block 1. Provide mutual access easement to Lots 1 and 7, Block 1. Provide fire hydrants within 400 feet of any portion of non-sprinkled buildings or within 600 feet of any portion of a sprinkled building. If any buildings exceed 30 feet in height provide aerial fire apparatus access per the IFC Appendix D Section D105. If any building has a floor level greater than 30 feet provide standpipes and a fire hydrant within 100 feet of the fire department connection.
8. **Other: GIS:** Need phone number of property owner, need e-mail address and CA number and expiration date for the surveyor, complete location map, remove the contours from the draft final plat, name all streets, and submit subdivision data control sheet. Delete references to Public Works Department. **Airport:** An aviation easement and appropriate covenant language may be needed. An airspace study is required.

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 Development Services and Engineering Services staffs 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.

Mr. Carnes out at 2:31 p.m.

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 preliminary plat for The Walk at Tulsa Hills per staff recommendation, subject to special conditions and standard conditions.

* * * * *

Mr. Walker stated that there were some speakers for Item 10 that would like to be heard. Item 10 has already been approved.

Mr. Carnes in at 2:36 p.m.

Mr. Midget recognized the speakers for Item 10 and stated that if their arguments are persuasive enough the Planning Commission can move for reconsideration.

INTERESTED PARTIES COMMENTS:

William Calderwood, 1516 East 41st Street, 74105, stated he opposes Item 10, PUD-758-1 because the lighting from the sign will be shining in his guest bedroom window where he spends most of his time watching television. If they could up-light the sign that would be great.

Applicant's Comments:

James Adair, representing Enclave, 1225 N Lansing Ave, 74106, stated that his client left the meeting believing that this is approved. Mr. Adair explained that the minor amendment was to take a monument sign and move it to the building wall. The exact sign can be placed on a pole and covered with masonry and placed closer to the street. The proposed sign will be farther away from the street and attached to the building. There is LED lighting on the sign and it is on the inside of the sign and replaces fluorescent lighting. The LED lighting is less bright than the fluorescent lighting.

Mr. Shivel asked if the sign was on a pole it would be closer to the street. Mr. Adair answered affirmatively. Mr. Adair explained that the sign will be back 18 feet farther than the 50-foot setback.

Noel Fairbrothers, 1321 East 39th Street, 74105, stated that the building is big enough and smart enough and it doesn't need a sign.

Mr. Bates stated that the applicant is allowed to have two signs and they can be either monument or wall signs. The applicant is here today due to the projection from the wall.

Mr. Adair stated that the sign will be projecting 17 inches from the wall and that is why he is here today, because it exceeds the 15 inches allowed.

Mr. Edwards stated that he doesn't see any need to reconsider Item 10.

No action necessary.

* * * * *

19. **Z-7242 – Tom Kirkpatrick**, Location: North of northeast corner of South Quincy Avenue and East 11th Street, Requesting rezoning from **RS-4/OL to CH**, (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 18449 dated May 1, 1995 and Ordinance number 11815 date June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-6481 May 1995: All concurred in approval of a request for rezoning a 58± tract of land from RM-2 to RS-4, to preserve the single-family character, on property located between South Utica Avenue and South Peoria Avenue and between East 7th Street and East 11th Street; and includes the subject property.

BOA-9059 May 20, 1976: The Board of Adjustment approved a Special Exception to permit parking in the RM-2 district, on property located at 1101 South Quincy Avenue (Lots 11 & 12, Block 8, East Lynn Addition)

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .45± acres in size and is located north of northeast corner of South Quincy Avenue and East 11th Street. The property appears to be mostly vacant and used for personal storage and is zoned RS-4.

SURROUNDING AREA: The subject tract is abutted on the east by small lot commercial office and residential property, zoned CH/OL/RS-4; on the north by single family residence, zoned RS-4; on the south by high intensity commercial single story commercial property, zoned CH; and on the west by single family residential property, zoned RS-4.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not designate South Quincy with a specific vision.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Quincy Avenue	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The entire request is inside an **area of growth** defined in the Comprehensive Plan.

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 6th Street infill plan illustrates stormwater improvements and significant suggestions for increased density and development for this area. This rezoning request will encourage higher density development in the south lot of the three lot request.

The north two lots (lots 11 and 12) included in the request are considered **Downtown Neighborhood** lots which are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The south lot is considered a **Main Street** area which is defined as Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with

generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

RELATIONSHIP TO THE 6th STREET INFILL PLAN:

The north two lots of the CH zoning request as part of a small **Residential Revitalization** subarea and which “is comprised of bungalow housing from the early 1900’s and 1920’s.” Compatibility between existing and infill housing achieved by a small number of design requirements that are intended to preserve the existing form, scale, rhythm, and proportion of this residential enclave.

Staff Comment: The north two lots have been off street parking for years as a result of previous Board of Adjustment action. Our current zoning code does not provide appropriate zoning guidelines for this area as defined in The 6th Street Infill Plan. CH zoning request does not allow residential uses as visualized in this subarea.

The single-lot on the south side of the requested zoning area and closest to 11th street is included in a **Mixed Use Infill** subarea.

Staff Comment: The southernmost lot of the zoning request is considered part of the Mixed Use Infill subarea which should provide an opportunity to provide appropriate infill development along the 11th street corridor. The requested CH zoning will provide the opportunity to bring increased vitality and economic development to the area however it conflicts with the Residential Revitalization subarea defined in the small area plan. In this instance the existing parking lot and the on-street parking on Quincy Ave. should be considered as part of the parking necessary for the redevelopment of the existing building at this location. Rezoning of the property is not necessary to provide the parking opportunities.

STAFF RECOMMENDATION:

This particular request encroaches into residential areas further north into the Downtown Neighborhood and Residential Revitalization subarea than as defined in both plans.

With the consideration that the north two lots (Lots 11 and 12) are zoned RS-4 which is currently consistent with the Comprehensive Plan and these lots have been given the ability to provide off-street parking by the Board

of Adjustment, and are inside a Residential Revitalization subarea, staff recommends **DENIAL** of CH zoning to Lots 11 and 12.

Staff has met with the applicant who agrees with staff recommendation to only rezone Lot 10.

The request to rezone only Lot 10 is consistent with the Comprehensive Plan, the 6th Street Infill Plan and the existing development pattern of the area.

The existing building on Lot 10 (the southern lot) is currently zoned OL. Staff recommends **APPROVAL** to rezone from OL to CH.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES COMMENTS:

Lorenda Stetler, 2440 South St. Louis, 74114, stated that she is in agreement with staff. Ms. Stetler asked if the applicant has to provide a plan and a reason for rezoning.

Mr. Walker stated that on a straight zoning request the applicant is not required to submit a plan or reason for the rezoning. Mr. Dix stated that if this were in a PUD, then the applicant would have supplied a plan.

Ms. Stetler expressed concerns with the existing building being torn down and explained that her grandparents built the building.

Mr. Perkins asked Ms. Stetler if she is representing herself or the Pearl District Association. Ms. Stetler stated that she would be representing the Pearl District Association and she has a personal interest in the building because her grandparents built it. Ms. Stetler indicated that the Pearl District Association is in 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 recommend **DENIAL** of the CH zoning for Lots 11 and 12 per 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 recommend **APPROVAL** of the CH zoning for Lot 10 only per staff recommendation.

Legal Description for Z-7242:

Lots 10, 11 and 12, Block 8, East Lynn Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Mr. Wilkerson stated that he will present Items 20 and 21 together since it is the same project.

20. **Z-7243 – Tanner Consulting, LLC**, Location: East of southeast corner of East 121st Street and South Yale Avenue, Requesting rezoning from **AG to RS-3**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11838 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-528-A September 2012: All concurred in approval of a proposed Major Amendment to PUD, on a 43 \pm acre tract of land to abandon PUD-528 for public park use on property located on the southwest corner of South Yale Avenue and East 121st Street.

PUD-677-A May 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development on a 9.6 \pm acre tract of land to add nine acres of property to the original PUD, on property located west of northwest corner of South Sheridan Road and East 121st Street South and abutting the subject property to the west.

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15 \pm acre tract from AG to RS-1/ PUD for residential development, located on East 116th St., directly south of South Hudson Avenue.

PUD-677 February 2003: All concurred in approval of a Planned Unit Development on a 13 \pm acre tract for single family development located west of northwest corner of South Sheridan Road and East 121st Street South.

PUD-527-B August 2001: All concurred in approval of a request to abandon PUD-527-A and revert back to the standards of the original PUD-527 that was approved in February 1995.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3± acre tract from AG to RS-2/PUD for residential development, located south and west of the Southwest corner of E 116th St. and S Hudson Ave.

Z-6696/PUD-610 June 1999: A request to rezone a 5± acre tract from AG to RS-2. Staff recommended denial for RS-2 and approval for RS-1. All concurred to approve a request to rezone from AG to RS-1/PUD for a gated residential development with a maximum of six lots, located on East 118th St. S. and E of S. Fulton Ave.

Z-6541 PUD-548 October 1996: A request to rezone fifteen acres located on the south side of East 116th Street at South Hudson, from AG and RS-1 to RS-2 with a Planned Unit Development overlay for residential development. All concurred in approval of RS-2/PUD with modifications to the private street width.

Z-6551 September 1996: All concurred in approval for a request to rezone a 40± acre tract from AG to RS-1 for residential development, located east of northeast corner of South Yale and East 121st Street South.

Z-6531 May 1996: All concurred in denial for a request to rezone a 34± acre tract from AG to RS-2, but approval for RS-1 on property located on the southwest corner of East 116th Street between South Fulton Avenue and South Granite Avenue.

Z-6454/ PUD-528 February 1995: A request for rezoning a 43.45± acre tract of land from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development, including residential and commercial uses. All concurred in approval of CS zoning on the north 467' of the east 467' and the balance zoned RS-2 and approval of the PUD, for commercial on the northeast corner of PUD and residential on the remainder of development, on property located southwest corner of South Yale Avenue and East 121st Street.

Z-6453/ PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20± acre tract from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

Z-6452/ PUD-526 December 1994: All concurred in recommending approval of a request to rezone a 13± acre tract from RS-1 to CS/PUD zoning on the 467' node with the balance to remain RS-1 also within the PUD, on property located on the northwest corner of East 121st Street South and South Yale Avenue.

Z-6451 October 1994: All concurred in approval of a request to rezone a tract from AG to RS-1, located west of the northwest corner of E. 121st Street S. and S. Sheridan Road.

Z-5937/ PUD-358 May 1984: All concurred in approval of a request for rezoning a 54± acre tract to RS-1/ PUD. The applicant had originally applied for rezoning from AG to RS-3/PUD, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 122± acres in size and is located east of southeast corner of East 121st Street and South Yale Avenue. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by vacant AG (Agricultural) zoned property; on the north by a single-family residential neighborhood zoned RS-1 (Residential Single-Family); on the south by a mining operation zoned AG; and on the west by one single family dwelling and undeveloped AG (Agricultural) zoned property.

UTILITIES: The subject tract will be served by City of Tulsa municipal water and sewer.

TRANSPORTATION VISION:

The Comprehensive Plan designates 121st Street as a Primary Arterial. Additionally, the Major Street and Highway Plan calls for a residential collector street to run through this property and eventually connect to South Sheridan Road.

A Residential Collector is intended to strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but do not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures. These streets place a higher priority on landscaped medians, tree lawns, sidewalks, on-street parking, and bicycle lanes than the number of travel lanes. Residential streets consist of two to four travel lanes, but place a much higher priority on pedestrian and bicycle friendliness than on auto mobility.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 121 st Street	Primary Arterial	120'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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.

A **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 RECOMMENDATION FOR ZONING:

This project is consistent with surrounding development patterns and is in harmony with the character/design of residential neighborhoods in the immediate area.

Staff recommends **Approval** of the **Z-7243** from AG to RS-3 finding that is it is in accord with the spirit and intent of the Tulsa Comprehensive Plans vision for the area as a New Neighborhood and an Area of Growth.

Related item:

21. **PUD-803 – Tanner Consulting, LLC**, Location: East of southeast corner of East 1 21st Street and South Yale Avenue, Requesting a PUD for a three-phase, master-planned residential community with 320 lots, **AG to RS-3/PUD**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11838 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-528-A September 2012: All concurred in approval of a proposed Major Amendment to PUD, on a 43± acre tract of land to abandon PUD-528 for public park use on property located on the southwest corner of South Yale Avenue and East 121st Street.

PUD-677-A May 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development on a 9.6± acre tract of land to add nine acres of property to the original PUD, on property located west of northwest corner of South Sheridan Road and East 121st Street South and abutting the subject property to the west.

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15± acre tract from AG to RS-1/ PUD for residential development, located on East 116th St., directly south of South Hudson Avenue.

PUD-677 February 2003: All concurred in approval of a Planned Unit Development on a 13± acre tract for single family development located west of northwest corner of South Sheridan Road and East 121st Street South.

PUD-527-B August 2001: All concurred in approval of a request to abandon PUD-527-A and revert back to the standards of the original PUD-527 that was approved in February 1995.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3± acre tract from AG to RS-2/PUD for residential development, located south and west of the Southwest corner of E 116th St. and S Hudson Ave.

Z-6696/PUD-610 June 1999: A request to rezone a 5± acre tract from AG to RS-2. Staff recommended denial for RS-2 and approval for RS-1. All concurred to approve a request to rezone from AG to RS-1/PUD for a gated residential development with a maximum of six lots, located on East 118th St. S. and E of S. Fulton Ave.

Z-6541 PUD-548 October 1996: A request to rezone fifteen acres located on the south side of East 116th Street at South Hudson, from AG and RS-1 to RS-2 with a Planned Unit Development overlay for residential development. All concurred in approval of RS-2/PUD with modifications to the private street width.

Z-6551 September 1996: All concurred in approval for a request to rezone a 40± acre tract from AG to RS-1 for residential development, located east of northeast corner of South Yale and East 121st Street South.

Z-6531 May 1996: All concurred in denial for a request to rezone a 34± acre tract from AG to RS-2, but approval for RS-1 on property located on the southwest corner of East 116th Street between South Fulton Avenue and South Granite Avenue.

Z-6454/ PUD-528 February 1995: A request for rezoning a 43.45± acre tract of land from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development, including residential and commercial uses. All concurred in approval of CS zoning on the north 467' of the east 467' and the balance zoned RS-2 and approval of the PUD, for commercial on the northeast corner of PUD and residential on the remainder of development, on property located southwest corner of South Yale Avenue and East 121st Street.

Z-6453/ PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20± acre tract from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

Z-6452/ PUD-526 December 1994: All concurred in recommending approval of a request to rezone a 13± acre tract from RS-1 to CS/PUD zoning on the 467' node with the balance to remain RS-1 also within the PUD, on property located on the northwest corner of East 121st Street South and South Yale Avenue.

Z-6451 October 1994: All concurred in approval of a request to rezone a tract from AG to RS-1, located west of the northwest corner of E. 121st Street S. and S. Sheridan Road.

Z-5937/ PUD-358 May 1984: All concurred in approval of a request for rezoning a 54± acre tract to RS-1/ PUD. The applicant had originally applied for rezoning from AG to RS-3/PUD, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 122± acres in size and is located east of southeast corner of East 121st Street and South Yale Avenue. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by vacant AG (Agricultural) zoned property; on the north by a single-family residential neighborhood zoned RS-1 (Residential Single-Family); on the south by a mining operation zoned AG; and on the west by one single family dwelling and undeveloped AG (Agricultural) zoned property.

UTILITIES: The subject tract will be served by City of Tulsa municipal water and sewer.

TRANSPORTATION VISION:

The Comprehensive Plan designates 121st Street as a Primary Arterial. Additionally, the Major Street and Highway Plan calls for a residential collector street to run through this property and eventually connect to South Sheridan Road.

A Residential Collector is intended to strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but do not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures. These streets place a higher priority on landscaped medians, tree lawns, sidewalks, on-street parking, and bicycle lanes than the number of travel lanes. Residential streets consist of two to four travel lanes, but place a much higher priority on pedestrian and bicycle friendliness than on auto mobility.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 121 st Street	Primary Arterial	120'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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.

A **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.

Applicants Development Concept

The Estates at the River is a three-phase, master-planned residential community located in a rapidly growing area of South Tulsa. This prestigious new development is approximately 121 acres in size and located East of the SE/c of 121st Street & South Yale Avenue. The Estates at the River has the advantage of Arkansas River frontage, as well as close proximity to the newly planned Bixby School. This master plan proposes a maximum of 320 lots, with primary access being from a new residential collector street which will be located along the east boundary. Anticipated lot sizes are 70 feet in width, with a lot area over 8,500 square feet. To enhance the development, a six (6) foot tall masonry wall will be constructed (with a maximum column height of 8') along the 121st Street frontage.

The property is currently zoned AG (Agricultural) and a companion rezoning application for RS-3 will accompany this PUD application. The requested RS-3 zoning is similar to other developments in the area. The site is currently vacant, but shall continue the established aesthetic of other surrounding, successful residential developments. A large detention facility will be constructed on the south end of the project which will also be used for passive recreational uses. Dirt from these ponds will be used to raise areas planned for residential lots.

The 'Tulsa Regional Trail System' proposes a "Planned Multi-Use Trail" through the southwest corner of the subject tract. During the platting process, provisions will be made to incorporate and link the proposed trail with the recreational amenity of the subdivision. Public access will be permitted on the "Multi-Use Trail" in the subdivision plat. The Estates at the River is in accordance with the assigned PLANiTULSA designation "New Neighborhood". The subdivision will be designed to meet high standards of internal and external connectivity, as outlined by the PLANiTULSA text. Streets within the residential development and the proposed collector street may either be gated or un-gated based on market needs.

PUD 803 Development Standards:

Gross Land Area: 5,285,092 SF 121.329 Acres

Net Land Area: 5,206,045 SF 119.514 Acres

Permitted Uses:

Uses permitted as a matter of right in RS-3, zoning district in the City of Tulsa Zoning Code, including landscaped features, secured entrances and recreational facilities and uses customarily accessory to permitted uses.

Maximum Number of Lots:	320
Minimum Lot Width:	65 Feet
Minimum Lot Size:	7,500 SF
Minimum Livability Space Required (per lot):	4,000 SF
Minimum Building Setbacks:	
Front Yard	25 Feet
Rear Yard	20 Feet
Side Yard	5 Feet
Side Yard abutting a public street	15 Feet
Maximum Building Height:	40 Feet*

**Architectural features may extend a maximum of five (5) feet above the maximum permitted building height.*

Maximum Front Yard Coverage by Parking Area:	40%
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Off Street Parking:

Minimum two (2) enclosed off-street parking spaces per dwelling unit.

Signs:

One (1) along the 121st frontage, and three (3) along the proposed collector street frontage, not to exceed 32 square feet each in size and six (6) feet in height each.

At each reserve area along the west boundary a maximum 24 square foot monument sign constructed of a durable material identifying the reserves as future street extensions. The signs will be a maximum of 6' tall.

Screening:

A six (6) foot tall masonry wall will be constructed (with a maximum column height of 8') along the 121st Street frontage. Additionally, a solid screening fence will be provided along the collector street adjacent to residential properties not exceeding (6) feet in height (with a maximum column height of 8').

Access and Circulation

The Estates at the River will contain a public collector street for access to East 121st Street South. Streets providing access and circulation off the collector street into each phase may be either public or private and gated based on market needs at the time of platting.

Pedestrian (walking and bicycle) circulation will be developed within the development and outside in order to take advantage of nearby amenities such schools, the River Parks trail system, proposed park at the southwest corner of South Yale and 121st and the existing Fry Ditch walking trail.

In accordance with the City of Tulsa Subdivision Regulations, a sidewalk will be constructed along the property frontage of East 121st Street South, the proposed collector street as well as all internal streets. Should the project utilize private streets with gated entries, a pedestrian access gate will be incorporated into the wall/entry in order to allow residents to access all sidewalks.

As the project is currently contemplated, and shall be further refined during the platting process, the abutting property to the east shall be allowed vehicular and pedestrian access to the proposed collector street. Access points shall be identified to the collector for the abutting east property at the time it is platted. The current ownership of the abutting property to the west is held by the Muscogee (Creek) Nation. It is anticipated that the property is being considered as 'sovereign' and should such property status occur the property would not be subject to local zoning regulations. If the property has not received 'sovereign' status by the time each Phase II and Phase III develops, one stub street/reserve shall be incorporated into the plat for the abutting property to the west. If the stub street is not utilized within five (5) years after the plat is filed of record, the lot may be used for residential purposes.

Technical Advisory Committee Requirements:

1. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.
2. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain any/all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
4. Any private roadways shall have a minimum right-of-way and be a minimum width for two-way roads and for one-way loop roads, measured face-to-face of curb complying with the requirements of the City of Tulsa. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street.
5. If private streets are constructed the City shall inspect and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
7. Any entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Tulsa Public Works and Tulsa Fire Departments prior to issuance of a building permit for the gates or guard houses.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. To meet the high level of connectivity outlined in the City of Tulsa Comprehensive Plan for street systems and sidewalks careful design considerations should be considered to ensure that new communities are connected and easily travelled by foot and bicycle, as well as car. Construction of connected neighborhood streets will expand transportation choices by making walking and biking easier, while lowering travel demands on major arterials.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

11. A minimum of two reserve areas will be required for future stub street connections to the west of the project. Those reserve areas will be held for a minimum of 5 years. Signs will be placed on each reserve site identifying those areas as future stub street connections.

Environmental Analysis and Topography

The subject tract gently slopes from the northeast to the southwest direction and towards the abutting Arkansas River and is in an area that has historic flooding concerns. This relatively flat, vacant site is well suited for an RS-3 development of medium density lot sizes. The USDA soils report indicates that the tract is composed of 81% "Choska very fine" and 14% "Latanier clay" soils. The balance of the soil types includes Kiomatia loamy fine and Wynona silty clay type soils. A geotechnical (soils report) will be prepared prior to construction and used in the design of streets and infrastructure. The ponds and large green spaces are being constructed to provide enough dirt on site to raise the home sites above historic flood concerns.

PUD STAFF RECOMMENDATION:

The single-family residential use in the project is consistent with the New Neighborhood vision and area of growth outlined in the comprehensive plan.

The PUD provides and preserves meaningful open space and is in harmony with spirit and intent the PUD chapter of the Tulsa Zoning Code except that the street pattern does not provide compatibility with adjoining and proximate properties.

The conceptual illustrated in the PUD is not consistent with the connectivity concept in the Tulsa Comprehensive Plan. Staff can support the PUD for private streets but internal connectivity will be a significant additional consideration of the plat approval process.

The PUD provides a unified treatment of the development possibilities of the project site.

Staff recommends **APPROVAL** of **PUD-803** as outlined in the Development Standards defined above.

Mr. Wilkerson stated that he doesn't have an exhibit that shows this, but subject application is in the vicinity of the Yale Bridge. Mr. Wilkerson further stated that the most recent version of the conceptual plan is in conflict with the subject site plan. Mr. Wilkerson commented that there is nothing in the Major Street and Highway Plan and nothing he can find that

would want staff to consider what might happen with a bridge should that ever happen in the subject area.

TMAPC COMMENTS:

Mr. Perkins stated he received a text from Councilor Lakin and he stated that he has additional information on a possible bridge that will be built by the Turnpike Authority. Councilor Lakin would like to meet with the groups involved in short order and would staff be opposed to a continuance for a meeting or get more clarity. Mr. Wilkerson stated that obviously he wouldn't object to that, but right now it is only lines on paper and unfortunately the bridge concept has been floating around for 20 years all over the place. Mr. Wilkerson stated that unless there is some reason to believe that this was a more concrete idea and more concrete solution than what has been seen 100 times so far he doesn't see the point in the continuance. Mr. Perkins stated that Councilor Lakin would like a continuance to hold a meeting.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, stated that it was brought to his attention earlier that there may be a possible continuance and he wouldn't object to a continuance if that is the wishes of the Planning Commission. Mr. Jones stated that he has had several meetings with staff and he believes that all of the issues have been worked out. There is one potential Fire Department issue dealing with remoteness. Mr. Jones requested that he could be involved in any meetings that may happen and have discussion with them.

TMAPC COMMENTS:

Mr. Liotta stated that he would recommend that City of Bixby and Jenks be included with the meetings as well. Mr. Liotta further stated that he believes that they are more inline than just lines on a map. Mr. Jones stated that he has had meetings with both Jenks and Bixby. Mr. Jones explained that he met with Robert Caudle, City of Bixby and Robert Bell, City of Jenks and they are aware of the application. Mr. Jones stated that he would wait for the City of Tulsa to contact him and he doesn't believe that he needs to set up any meetings, but do want to attend and provide his input.

INTERESTED PARTIES COMMENTS:

Ron McCloud, 12012 South Granite Avenue, 74137, stated that he speaks for the South Tulsa Citizen's Coalition, who spent three years in court to stop the bridge. Mr. McCloud stated that he is not against a bridge, but he likes the proposed project and feels it will reduce pressure from the traffic in his neighborhood since it is the only through street. Mr. McCloud stated that the City of Bixby told him that they didn't want to distress any of their residents where a bridge might be placed. Mr.

McCloud stated that bantering around about a bridge is quite distressing to the residents and he doesn't believe that this project should be delayed. Mr. McCloud indicated that he supports Z-7243 and PUD-803.

Mr. Carnes explained how the Planning Commission grants continuances.

Mr. Midget stated that he understands Mr. McCloud's concerns, but he believes that the continuance is simply for more clarification. Mr. Midget explained how the Planning Commission typically grants continuances and shouldn't change their process at this point.

Mr. McCloud stated that this application shouldn't be delayed simply because of a bridge.

Applicant's Rebuttal:

Mr. Jones stated that he is aware of the policies of the Planning Commission to grant one continuance for either side for any reason. Mr. Jones stated that he is willing to do whatever it takes and he is willing to work with the City. Two weeks will not unduly put a hardship on his client.

In response to Mr. Dix, Mr. Jones stated that he will bring the information regarding the floodplain back when this case is rescheduled. He explained that his company designs their projects to meet the City of Tulsa's requirements and that is why he is digging the hole to the south and will raise the property out of the floodplain.

Mr. Perkins stated that he has had some ex parte communication with the applicant. Mr. Perkins stated that it was simply talking about generalities of this project.

TMAPC Action; 11 members present:

On **MOTION** of **PERKINS**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7243 and PUD-803 to November 20, 2013.

* * * * *

Mr. Wilkerson stated that he will present Items 22 and 23 together.

22. **Z-7244 – Tanner Consulting, LLC**, Location: West of northwest corner of East 121st Street and South Yale Avenue, Requesting rezoning from **RS-1 TO RS-2**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-528-A September 2012: All concurred in approval of a proposed Major Amendment to PUD, on a 43± acre tract of land to abandon PUD-528 for public park use on property located on the southwest corner of South Yale Avenue and East 121st Street.

Z-7015/ PUD-726 March 2006: All concurred in approval of a request to rezone a 46± acre tract from AG to RS-2/PUD for a maximum of 90 single-family lots, located south of East 116th Street and abutting east of South Delaware Avenue.

PUD-709 October 2004: All concurred in the approval of a Planned Unit Development on 10± acre tract of land for single-family residential use with RS-2 underlying zoning, on property located east of Delaware Avenue and East 116th Street South.

PUD-686 July 2003: All concurred in the approval of a Planned Unit Development for the Wind River development, with a 260-unit (maximum) single-family development, located on the east of South Delaware north of East 121st Street.

Z-6848 February 2002: All concurred in approval of a request for rezoning a 20± acre tract of land from RS-1 to AG for a barn, on property located north of the northwest corner of East 121st Street South and South Yale Avenue.

PUD-527-B August 2001: All concurred in approval of a request to abandon PUD-527-A and revert back to the standards of the original PUD-527 that was approved in February 1995.

Z-6534 April 1996: All concurred in denial of a request to rezone subject property from AG to RS-2 and approval of RS-1 in the alternative, on property located north of the northwest corner of East 121st Street South and South Yale Avenue.

Z-6454/ PUD-528 February 1995: A request for rezoning a 43.45± acre tract of land from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development, including residential and commercial uses. All concurred in approval of CS zoning on the north 467' of the east 467' and the balance zoned RS-2 and approval of the PUD, for commercial on the northeast corner of PUD and residential on the remainder of

development, on property located southwest corner of South Yale Avenue and East 121st Street, and is also the subject property.

Z-6453/ PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20± acre tract from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

Z-6452/ PUD-526 December 1994: All concurred in recommending approval of a request to rezone a 13± acre tract from RS-1 to CS/PUD zoning on the 467' node with the balance to remain RS-1 also within the PUD, on property located on the northwest corner of East 121st Street South and South Yale Avenue.

Z-6055/ PUD-399 July 1985: All concurred in recommending approval of a request to rezone a 20± acre tract from AG to RS-1/PUD on property located north of the northwest corner of South Yale Avenue and East 121st Street.

Z-5937/ PUD-358 May 1984: All concurred in approval of a request for rezoning a 54± acre tract to RS-1/ PUD. The applicant had originally applied for rezoning from AG to RS-3/PUD, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located west of northwest corner of East 121st Street and South Yale Avenue. The property appears to be vacant and is zoned RS-1.

SURROUNDING AREA: The subject tract is abutted on the east by a small residential neighborhood zoned RS-1 (Residential Single-Family) and PUD-526 which allows residential and commercial uses; on the north by a large single-family residential home zoned AG (Agricultural); on the south by vacant property zoned RS-2 (Residential Single-Family) and CS (Commercial), this property is site of the anticipated Yale Bridge and is also approved for park uses.

UTILITIES: The subject tract will be served by City of Tulsa municipal water and sewer.

TRANSPORTATION VISION:

The Comprehensive Plan designates 121st Street at a Primary Arterial.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 121 st Street	Primary Arterial	120'	2
East 118 th Street	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The proposed PUD is in an Area of Growth and designated as New Neighborhood.

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.

A **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 RECOMMENDATION:

This project is consistent with surrounding development pattern and is in harmony with the character/design of residential neighborhoods in the immediate area.

Staff recommends **Approval** of the Z-7244 from AG to RS-2 finding that is it is consistent with the spirit and intent of the Tulsa Comprehensive Plans vision for the area as a New Neighborhood and an Area of Growth.

Related Item:

23. **PUD-804 – Tanner Consulting, LLC**, Location: West of northwest corner of East 121st Street and South Yale Avenue, Requesting a PUD for a residential development with 70 lots, private gates, **RS-1 TO RS-2/PUD**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-528-A September 2012: All concurred in approval of a proposed Major Amendment to PUD, on a 43± acre tract of land to abandon PUD-528 for public park use on property located on the southwest corner of South Yale Avenue and East 121st Street.

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Z-6848 February 2002: All concurred in approval of a request for rezoning a 20± acre tract of land from RS-1 to AG for a barn, on property located north of the northwest corner of East 121st Street South and South Yale Avenue.

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Z-6454/ PUD-528 February 1995: A request for rezoning a 43.45± acre tract of land from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development, including residential and commercial uses. All concurred in approval of CS zoning on the north 467' of the east 467' and the balance zoned RS-2 and approval of the PUD, for commercial on the northeast corner of PUD and residential on the remainder of

development, on property located southwest corner of South Yale Avenue and East 121st Street, and is also the subject property.

Z-6453/ PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20± acre tract from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

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Z-5937/ PUD-358 May 1984: All concurred in approval of a request for rezoning a 54± acre tract to RS-1/ PUD. The applicant had originally applied for rezoning from AG to RS-3/PUD, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located west of northwest corner of East 121st Street and South Yale Avenue. The property appears to be vacant and is zoned RS-1.

SURROUNDING AREA: The subject tract is abutted on the east by a small residential neighborhood zoned RS-1 (Residential Single-Family) and PUD-526 which allows residential and commercial uses; on the north by a large single-family residential home zoned AG (Agricultural); on the south by vacant property zoned RS-2 (Residential Single-Family) and CS (Commercial), this property is site of the anticipated Yale Bridge and is also approved for park uses.

UTILITIES: The subject tract will be served by City of Tulsa municipal water and sewer.

TRANSPORTATION VISION:

The Comprehensive Plan designates 121st Street as a Primary Arterial.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 121 st Street	Primary Arterial	120'	2
East 118 th Street	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The proposed PUD is in an Area of Growth and designated a New Neighborhood.

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.

A **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.

Applicants Development Concept:

Wind River Crossing is the next phase of highly successful family of residential developments which include Waterstone, Estates of Waterstone and Wind River. This phase proposes a maximum of 70 lots located behind privacy gates to create an exclusive neighborhood highly regulated as to building size, material and architecture. Typical lot sizes are anticipated to be 70' lot widths with a lot area of approximately 8,400 square feet.

The property is currently zoned RS-1(Residential Single-Family Low Density) and a companion rezoning application for RS-2 (Residential Single-Family Medium Density) will accompany this PUD application. The requested RS-2 zoning is consistent with other developments located in the immediate area. The PUD will limit the maximum number of lots in the development to less than could be permitted if the development were to occur without a PUD.

The PLANiTULSA designation for the subject tract is “New Neighborhood”. In accordance with the PLANiTULSA text, the subdivision will be designed to meet high standards of internal and external connectivity.

The site is currently vacant and several old public street dedications surrounding and within the property are in the process of being closed and vacated. Special provisions are being made to provide vehicular access to abutting property owners.

Effort will be made to continue the articulated aesthetic of Wind River around the new development’s frontage to the South. Adjacent property owners will enjoy the benefit of decorative wall buffers around the perimeter of the site. Wind River Crossing will continue the ‘extra’ street right-of-way dedication for East 121st Street South as was previously dedicated for the Wind River subdivision.

II. Development Standards:

Gross Land Area: 875,735 SF 20.104 Acres

Net Land Area: 809,365 SF 18.580 Acres

Permitted Uses:

Uses permitted as a matter of right in RS-2, zoning district in the City of Tulsa Zoning Code, including landscaped features and secured entrances and recreational facilities and uses customarily accessory to permitted uses.

Maximum Number of Lots: 70

Minimum Lot Width*: 65’

Minimum Lot Size: 8,000 SF

Minimum Livability Space Required (per lot): 5,000 SF

Minimum Building Setbacks:

Front Yard	25 Feet
Rear Yard	20 Feet
Side Yard	5 Feet
Side Yard abutting a public street	15 Feet

* The minimum lot width of a corner lot shall be measured at the building setback line and shall not be less than 55’.

Maximum Building Height:

40 Feet*

*Architectural features may extend a maximum of five (5) feet above the maximum permitted building height.

Maximum Front Yard Coverage by Parking Area: 40%**Off Street Parking:**

Minimum two (2) enclosed off-street parking spaces per dwelling unit.

Signs:

Two (2) signs along the 121st frontage, not to exceed 32 square feet each in size and six (6) feet in height each.

Screening:

A six (6) foot tall masonry wall will be constructed (with a maximum column height of 8') along the 121st Street frontage.

Access and Circulation

Wind River Crossing will contain private streets which are gated for the privacy of the residents. A pedestrian access gate will be incorporated into the wall/entry in order to allow residents to access all sidewalks. The residential lots will be accessed by public streets off of 121st Street South. Connections to abutting streets to the north and east shall be made as agreed upon with the City of Tulsa Traffic Engineering Department. A passageway and crash gate will be constructed to the West of 119th street in order to provide an additional access point for emergency vehicles.

Environmental Analysis and Topography

The subject tract is relatively flat but does slope in a northeast to southwest direction. This relatively flat, vacant site is well suited for a slightly higher density development with smaller lot sizes. Soils for the subject tract consist primarily of "Choska" very fine sandy loam. "Kamie" and "Latanier" soils make up the balance of soil types for the subject tract. Choska and Latanier soils are rated as 'very limited' (soil which contains one or more features that are unfavorable for the specified use) according to the Web Soil Survey. A geotechnical (soils report) will be prepared prior to construction and used in the design of streets and infrastructure.

Utilities and Drainage

Wind River Crossing will be served by City of Tulsa public utilities. An internal waterline loop will supply all lots and each lot will connect to a City of Tulsa sanitary sewer system. Stormwater runoff will be collected on site and either discharged into the existing Yale storm sewer collection system and/or a new drainage box constructed and taken directly to the Arkansas River.

1. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.
2. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain any/all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
4. Any private roadways shall have a minimum right-of-way and be a minimum width for two-way roads and for one-way loop roads, measured face-to-face of curb complying with the requirements of the City of Tulsa. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street.
5. If private streets are constructed they shall be inspected and certified that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
7. Any entry gates or guardhouses must receive detail site plan approval from TMAPC, Tulsa Public Works and Tulsa Fire Departments prior to issuance of a building permit for the gates or guard houses.

8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. To meet the high level of connectivity outlined in the City of Tulsa Comprehensive Plan for street systems and sidewalks careful design considerations should be considered to ensure that new communities are connected and easily travelled by foot and bicycle, as well as car. Construction of connected neighborhood streets will expand transportation choices by making walking and biking easier, while lowering travel demands on major arterials.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

STAFF RECOMMENDATION:

The single-family residential use in the project is consistent with the New Neighborhood vision and area of growth outlined in the comprehensive plan.

The PUD is in harmony with spirit and intent the PUD chapter of the Tulsa Zoning Code except that the street pattern does not provide compatibility with adjoining and proximate properties. The unusual development of this area prior to modern subdivision regulations has created an area north of this site that is not consistent with the connectivity concept in the comprehensive plan. Significant considerations have been given to adjacent property owners through private agreements along with the fire department and engineering staff to work with this area to provide an acceptable solution.

The project is in harmony with the existing and expected development pattern of the surrounding neighborhood.

The PUD provides a unified treatment of the development possibilities of the project site.

Staff recommends **APPROVAL** of PUD-804 as outlined in the Development Standards defined above.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated that this is the third phase of development that is 20 acres in size and maximum of 70 lots. Mr. Jones explained that there are some substandard streets showing up that were developed in the 1960's. The stub street to the east is there because he is required to meet, by the Fire Department Code, The Remoteness Access Issue. It is a requirement

that the Fire Department has for when there are more than 30 lots. There is a stub-street to the east is a gated access point for emergency vehicles only and the street it connects to is substandard and he didn't want to increase traffic onto a substandard street. All of the primary access will be to the south where there are two gated entries. Mr. Jones concluded that he is in agreement with the staff recommendation and requested that the Planning Commission approve this request as presented.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Jones stated that Wind River is to the west and there is a solid wall constructed there and there is no way to connect to the west. Mr. Leighty asked why wouldn't there be connectivity for people that would like to go for a walk or a bike ride. Mr. Jones stated that when Wind River was developed several years ago it was anticipated that the corner would be commercial development and that was part of the rationale to not having a stub street going into the commercial area. Since the time Wind River was developed and now the needs have changed in the subject area and we are running out of useable land in South Tulsa and that is where everyone wants to be. Mr. Leighty commented that it was poor planning on his estimation. Mr. Leighty further commented that rather it was planned to be commercial or residential there still should have been a stub street to the west.

INTERESTED PARTIES COMMENTS:

Oscar Davis, 4619 East 119th Street, 74137, stated that he is not objecting to the rezoning, but he does have some questions. Mr. Davis further stated that the developer has not attempted to meet with anyone on the street concerning this new subdivision. Mr. Davis explained that there are four houses on the street where they are putting the emergency exit and no one came to discuss it with him. Mr. Davis stated that he has more questions and would like to meet with Mr. Jones. Mr. Walker stated that he believes that Mr. Jones would be happy to meet with him. Mr. Walker further stated that the reason for the notice is to allow interested parties to come to the meeting and visit with the applicant.

Mr. Jones stated that he would meet with the Mr. Davis after the meeting today and give him a business card.

Mr. Leighty out at 3:20 p.m.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Leighty "absent") to recommend **APPROVAL** of the RS-2 zoning for Z-7244 and to recommend **APPROVAL** of PUD-804 per staff recommendation.

Legal Description for Z-7244/PUD-804:

A TRACT OF LAND THAT IS THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 SE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID W/2 SE/4 SE/4; THENCE NORTH 01°10'14" WEST AND ALONG THE WEST LINE OF SAID W/2 SE/4 SE/4, FOR A DISTANCE OF 1319.79 FEET TO THE NORTHWEST CORNER OF THE W/2 SE/4 SE/4; THENCE NORTH 88°51'07" EAST AND ALONG THE NORTH LINE OF THE W/2 SE/4 SE/4, FOR A DISTANCE OF 663.13 FEET TO THE NORTHEAST CORNER OF THE W/2 SE/4 SE/4; THENCE SOUTH 01°12'16" EAST AND ALONG THE EAST LINE OF THE W/2 SE/4 SE/4, FOR A DISTANCE OF 1319.89 FEET TO THE SOUTHEAST CORNER OF THE W/2 SE/4 SE/4; THENCE SOUTH 88°51'38" WEST AND ALONG THE SOUTH LINE OF THE W/2 SE/4 SE/4, FOR A DISTANCE OF 663.91 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 875,735 SQUARE FEET OR 20.104 ACRES.

* * * * *

Mr. Leighty in at 3:21 a.m.

24. **PUD-636-A/Z-5457-SP-3 – Lou Reynolds**, Location: North of northwest corner of West 81st Street and U.S. Highway 75, Requesting a **Major Amendment/Corridor Development Plan** to permit approximately 6.1 acres of Development Area E to be used, in addition to multifamily purposes, for commercial purposes, **CO/PUD-636 to CO/PUD-636-A**, (CD-2) (Related to Nickel Creek Phase III Preliminary Plat)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19935 dated October 2, 2000 and Ordinance number 14912 dated December 5, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-636/ Z-5457-SP-2/ Z-4825-SP-1 October 2000: All concurred in approval for a proposed Planned Unit Development, on a 108± acre tract of land for a mixed use development including, single-family, townhouse dwellings, multifamily and commercial uses subject to conditions of the

PUD located on the northwest corner of West 81st Street South and South Highway 75 and includes the subject property.

Surrounding Property:

Z-7236-SP-1/ Z-7115-SP-2 August 2013: All concurred in approval of a request for Corridor Development Plans on a 31± acre tract of land for and office development permitting a 6-story building with a maximum building square footage of 566,000, on property located on the southeast corner of West 81st Street and South Union Avenue.

Z-7236/ PUD-765-A September 2013: All concurred in approval of a Major Amendment to PUD to abandon and a request for rezoning on a 5± acre tract of land for office development, on property located on the southeast corner of West 81st Street and South Union Avenue.

Z-7164/ Z-7164-SP-1 April 2011: All concurred in approval of a request for rezoning a 30± acre tract of land from AG/ OL/ CS to CO and a Corridor Development Plan for a neighborhood and pedestrian oriented office and commercial mixed use development, on property located on the southeast corner of U.S. Highway 75 and West 81st Street and east of subject property across Highway 75.

Z-7140/ Z-7140-SP-1 December 2009: All concurred in approval of a request for rezoning a 41± acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

Z-7008-SP-1/ Z-6966-SP-1/ Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Street.

Z-5993/PUD-377 November 1984: All concurred in approval of request for rezoning a 2.06± acre tract of land from RS-3 to OL/CS/PUD and a proposed Planned Unit Development for a printing and graphic art reproduction & associated sales business on property located on the southwest corner of West 81st Street South and West Union Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6± acres in size and is located north of northwest corner of West 81st Street and U.S. Highway 75. The property appears to be vacant and is zoned CO/ PUD-636.

SURROUNDING AREA: The subject tract is abutted on the east by highway 75, further east across highway 75 is Tulsa Hills Shopping Center zoned CO; on the north and west by a Multi Family Residential Project, zoned CO; on the south by undeveloped property, zoned CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates West 81st Street South and South Union Avenue as Secondary Arterials. Ultimately the transportation vision for this area shows South Union Avenue developing into a Multi-Modal Street which balances the needs of all modes of travel, giving people the option to walk, bike, ride transit or drive. These street types attempt to strike a balance between functional classification, adjacent land use, and the competing travel needs.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 81 st Street	Secondary Arterial	100'	2
South Union Avenue	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site is completely included in a **Regional Center and an Area of Growth** in the Comprehensive Plan.

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.

Staff Comment: The PUD major amendment is part of a larger development where many infrastructure needs have already been provided. This development will continue to take advantage of previous infrastructure investment and encourage growth in the area.

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

Staff Comment: The proposed PUD major amendment is developed for a commercial development and includes many opportunities for attracting workers and visitors from around the region for entertainment and retail opportunities. This request fits within the vision of the Comprehensive Plan.

This area is inside the West Highland small area plan being prepared for this area. The West Highland small area plan has not been adopted but there is no known conflict anticipated with this project and the draft version of that small area plan.

Applicant Concept Statement:

The purpose of PUD Major Amendment No. 636-A (“PUD 636-A”) and Corridor Plan Major Amendment No.: Z-5457-SP-3 (“Corridor District Site Plan”) is to permit approximately 6.1 AC of Development Area “E” to be used, in addition to multifamily purposes, for commercial purposes (“Project”). The Conceptual Site Plan for PUD 636-A and Corridor District Site Plan Z-5457-SP-3 is attached hereto Exhibit “A”.

An Aerial Photograph of the Project and surrounding area is attached hereto as Exhibit “B”.

There is an existing six-foot wooden screening fence along the West boundary of the Project. The Project will provide a six-foot wooden screening fence of similar construction and materials to the existing screening fence along the westerly 100 feet of the north boundary of the project.

Immediately to the north of the project is a “Reserve Area” that will be left mostly in its natural state, which Reserve Area is used as a drainage

facility by the developments to the north and will be used as a drainage facility by the project.

There will be no direct vehicular connections between the Nickel Creek Apartments and the project. The project will have two (2) access points directly onto South Santa Fe West Avenue. The Access and Circulation Plan for the project is attached hereto as Exhibit "D".

The project will not have on-site detention or pay a fee in lieu of detention, but instead will drain into existing detention ponds and structures as detention from the property has been accounted for in such existing detention structures.

A copy of the Topography and Drainage Concept for the project is attached hereto as Exhibit "E".

All public utilities necessary for the development of the project are available on-site or immediately across the street from the project.

The existing utilities are shown on Exhibit "F" attached hereto.

The Area Zoning Map is shown on Exhibit "G".

The Legal Description of the project is attached hereto as Exhibit "H".

No rezoning is necessary to support the project as proposed in this PUD Major Amendment and Corridor District Site Plan.

In addition to the existing Development Standards for the multi-family use of Development Area "E", the Applicant proposes the following additional Development Standards for the commercial use of the project.

Staff Comment: The conceptual plans provided in this package do not illustrate the final site plan or landscape plans, some plan revisions should be accepted during the final site, landscape and sign plan approval process.

I. PUD-636-A DEVELOPMENT STANDARDS:
(CS-Commercial Shopping District Use only.)

GROSS LAND AREA: 6.1 AC

ADDITIONAL PERMITTED USES:

As permitted by right within a CS – Commercial Shopping Center District.

MAXIMUM BUILDING FLOOR AREA: 58,000 SF

MAXIMUM FLOOR AREA RATIO PER LOT: .25

MAXIMUM BUILDING HEIGHT: 40 FT

Unoccupied architectural features not to exceed
50 FT may exceed the Maximum Building Height with
Detail Site Plan and Corridor Site Plan approval.

MINIMUM BUILDING SETBACKS:

From the centerline of South Santa Fe West Avenue 100 FT

From the North boundary 75 FT

From the West boundary (i.e., Block One, Nickel Creek) 75 FT

From the South boundary 60 FT

MINIMUM PARKING SETBACK:

From West boundary (i.e., Block One, Nickel Creek) 16 FT

OFF-STREET PARKING:

As provided by the applicable Use Unit.

OTHER BULK AND AREA REQUIREMENTS:

As provided in the CS – Commercial Shopping Center District.

SIGNS:

GROUND SIGNS:

- A. One (1) ground sign on South Santa Fe West Avenue. Such ground sign shall not exceed 35 FT and 300 SF in surface display area.
- B. One (1) directional sign at each entrance from South Santa Fe West Avenue not to exceed 5 FT in height and 4 SF in surface display area.
- C. One (1) sign panel on each side of any Project sign along West 81st Street South.

WALL SIGNS:

- A. Wall signs shall be prohibited not to exceed two square feet of surface display area per linear building foot of wall to which attached. The length of the building wall signs shall not exceed 80% of the frontage of the building.
- B. Wall signs shall be prohibited on the Westerly facing building wall.
- C. No wall signs shall be permitted within 100 FT of the Westerly boundary.

LIGHTING:

All building mounted lighting within 100 FT of the West boundary 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 the adjacent residential area.

Additionally, as a part of the Detail Site Plan review, an accurate Lighting Plan illustrating light poles and fixtures with a Photometric Plan will be provided illustrating height and fixtures facing down and away from the residential area. A Photometric Plan must be provided which does not exceed zero foot candles at the Westerly boundary of the Project and the Westerly 150 FT of the North boundary of the Project.

LANDSCAPED AREA:

A minimum of ten percent (10%) of the Net Land Area of the Project shall be improved as internal landscaped open space.

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 same cannot be seen by a person standing on any part of the property line at ground level.

Trash dumpster areas shall be screened by a masonry construction with steel doors. The doors shall be covered with an appropriate covering containing a minimum of 95% opacity on the gate frame.

NO OUTSIDE STORAGE:

There shall be no outside storage or recycling 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.

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 landscape and will establish a minimum 16 FT landscape buffer separating the Westerly boundary of the parking area from the multi-family neighborhood to the West and a minimum 5 FT landscape boundary along the North property line. These landscape boundaries will be densely landscaped with a mix of shrubs and evergreen trees as shown on the Landscape and Screening Concept attached hereto as Exhibit "C". Because the Reserve Area to the North of the Project will be left in mostly a natural state, a wider landscape area will not be necessary to buffer the Project.

ACCESS AND CIRCULATION:

The Project will have three (3) vehicular access points on to South Santa Fe West Avenue as shown on Exhibit "D".

Pedestrian and other non motorized circulation systems shall encourage pedestrian and bicycle connectivity from the existing residential projects in the area.

Bicycle parking shall be provided for a minimum of 10 bicycles near the front entrance of the facility.

II. SCHEDULE OF DEVELOPMENT:

Development is expected upon final approval of this PUD Major Amendment and Corridor District Site Plan, platting of the Property and Detail Site Plan, Corridor Site Plan and Landscape Plan approval. The anticipated construction start date is the second quarter of 2014.

STAFF RECOMMENDATION:

This major amendment is in harmony with the Comprehensive Plan of the City of Tulsa and the expected development pattern of this area.

The Development is in harmony with the PUD Chapter of the City of Tulsa Zoning Code.

Therefore staff recommends **APPROVAL** of PUD-636-A as outlined in the Applicants Statement, Development Standards and exhibits referenced above.

Mr. Wilkerson stated that the subject project is within the West Highland Small Area Plan, which hasn't been adopted at this time. Mr. Wilkerson

further stated that staff looks at the small area plan when a project comes through to make sure that it wouldn't be completely out-of-line of what the vision is.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that this proposal is right behind the Nickel Creek Apartment development and met with Mike Case who is in support of the subject project. The proposal will set back 75 feet from the apartments and there is a 15-foot ditch/landscaping buffer. There is a natural landscaped area that set back over 100 feet from the boundary of any apartment unit. Mr. Reynolds indicated that there will be detention to the south and north and will be onsite. Mr. Reynolds submitted photographs (Exhibit C-1). Mr. Reynolds explained that the traffic that will be coming to the subject property will be coming from the expressway.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Reynolds what type of facility it would be. Mr. Reynolds stated that it is a multiple-faceted entertainment facility centered around bowling, dining and laser tag, which is a family oriented business.

INTERESTED PARTIES:

Jane Duenner, 2320 West 92nd Street, 74132 and **Kaye Price**, 5815 South 51st West Avenue, 74107.

INTERESTED PARTIES COMMENTS:

Rural area and keep it with the rural feel; requested a continuance or delay until the small area plan is approved by the citizens; concerns with traffic; if approved the applicant should pay to improve the road to handle the traffic; seems disingenuous to bring this application forward when the small area plan isn't finished; the applicant hasn't made any contact with anyone; applicant was on a last minute add-on to the community meeting last night; this application is in conflict with the small area plan that they are currently working on; community wasn't aware of this proposal as a whole and that is unfair; the one thing residents have requested for the small area plan is that the west side of Highway 75 remain rural in nature; residents moved to the subject area for the rural type of living and would like to keep it; the proposal is awesome and is good for Southwest Tulsa, but not on the subject property; many properties in the subject area where it would be a better fit; the proposal will be putting traffic on a two-lane County road with a two-lane underpass on Highway 75.

Mr. Carnes out at 3:37 p.m.

Applicant's Rebuttal:

Mr. Reynolds stated that the subject property is zoned and approved for corridor use for multifamily. This and another track is the remaining of the approved multifamily land. There are five hundred units of multifamily apartments that could be built on the subject property. Mr. Reynolds stated that when he spoke to Ms. Price earlier she stated that she would prefer to have the Main Event than have apartments. Mr. Reynolds explained that his client isn't requesting any give back money for this development. Mr. Reynolds stated that the developer paid for the infrastructure and is paying retail for the land. The traffic will not be an impact because the majority of the traffic will be coming off of the expressway. Mr. Reynolds commented that the developer of The Walk has agreed to build an additional lane on the south side of 81st Street that will run from the expressway down to the traffic signal on Olympia, which will further eliminate traffic problems. The Walk will be asking for a tax rebate because of this improvement on the arterial street. Mr. Reynolds concluded that he is in support of staff's recommendation and request that the Planning Commission approve it as submitted. Mr. Reynolds stated that he objects to a continuance and waiting for the small area plan to be developed and approved.

Mr. Wilkerson stated that on page 24.7 of the agenda, Wall Signs, first paragraph should say "Wall signs shall not exceed two square feet of surface display area per linear building foot of wall to which attached.

TMAPC COMMENTS:

Mr. Covey stated that Ms. Price stated that this is in conflict with the yet to be adopted small area plan. Mr. Covey asked Mr. Wilkerson if this is a correct statement. Mr. Wilkerson stated that when he met with Planning Staff he was told that this fits within the context of the small area plan. Ms. Price spoke from the audience and stated that it is not in context with the small area plan.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, 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 the major amendment/corridor development plan for PUD-636-A/Z-5457-SP-3 per staff recommendation.

Legal Description for PUD-636-A/Z-5457-SP-3:

A tract of land lying in the Southwest Quarter of Section 11, Township 18 North, Range 12 East of the Indian Meridian, City of Tulsa, Tulsa County, Oklahoma being more particularly described as follows: COMMENCING at the northwest corner of said Southwest Quarter; THENCE North 89°02'15" East a distance of 50.00 feet to a point on the east right of way line of

South Union Avenue; THENCE South 01°15'01" East, along said east right of way line parallel with the west line of said Southwest Quarter, a distance of 1,132.37 feet to the southwest corner of Lot 1, Block 1, NICKEL CREEK, an Addition to the City of Tulsa, recorded as Plat No. 6301; THENCE along the south line of said Lot 1, the following Five (5) courses: 1. South 57°37'48" East a distance of 310.67 feet; 2. South 70°29'46" East a distance of 296.61 feet; 3. South 33°02'24" East a distance of 189.14 to the POINT OF BEGINNING; 4. North 56°57'36" East a distance of 20.07 feet; 5. North 28°09'24" East a distance of 449.94 feet; THENCE South 89°05'29" East a distance of 268.21 feet to a point on the west right of way line of South Santa Fe West Avenue; THENCE South 00°54'31" West, along said west right of way line, a distance of 776.28 feet; THENCE North 89°05'29" West a distance of 29.18 feet; THENCE North 65°20'22" West a distance of 188.10 feet; THENCE North 48°00'42" West a distance of 304.27 feet; THENCE North 33°02'24" West a distance of 107.73 feet to the POINT OF BEGINNING. Said described tract of land contains an area of 266,991 square feet or 6.1293 acres, more or less.

* * * * *

25. **Nickel Creek Phase III –** Preliminary Plat, Location: East of northeast corner of West 81st Street South and South Union Avenue (8211) (CD 2) Related to Major Amendment/Corridor Development Plan PUD-636-A/Z-5457-SP-3

STAFF RECOMMENDATION:

This plat consists of four lots, one block, two reserves on 27.5 acres.

The following issues were discussed October 17, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 636 A (pending)/Corridor Z-5457-SP-3 (pending major amendment). Show building lines per zoning. Show development areas over proposed plat. Covenants need to be clarified and cleaned up.
2. **Streets:** Show right-of-way with dimension lines along all streets and provide reference such as plat # or book/page #. Show sidewalks along 81st Street and Union Avenue. A traffic impact study is pending and is necessary. Final plat may need to be revised per outcome of study. The sidewalks along Reserve Area B look to be in a state of disrepair/overgrown. Maintenance responsibility needs to be clarified.

3. **Sewer:** Provide the required perimeter easements for the entire subdivision except for the south line of Lot 2. Since the existing sanitary sewer line is large, and deep, we do not want to share the existing sewer easement. Locate an additional utility easement adjacent to the existing sewer easement. Service connections are not allowed on the existing 16-inch sewer line without prior written approval from sanitary sewer maintenance. If permission is not given, then an eight-inch extension from the 16-inch main will be required in order to serve Lot 2.
4. **Water:** Along each lot's frontage to a roadway a 17.5-foot utility easement is requested. Use standard language. Verify that driveway grades over existing water main lines are not creating any conflicts. Show proposed water service connection locations for the building.
5. **Storm Drainage:** Label Hager Creek. In Section 1.13.1 on roof drains remove "and shall be enforceable by the City of Tulsa, Oklahoma." Reserve B should also state that it is an overland drainage easement. Reserve A is defined in Section 5.1 and also in 10.1. If Reserve A serves two purposes then combine the two sections.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Perimeter easements are needed and additional easements are needed for PSO, ONG and AT&T.
7. **Other: Fire:** Provide fire hydrants within 400 feet of any portion of non sprinkled buildings or within 600 feet of any portion of a sprinkled building. If any buildings exceed 30 feet in height provide aerial fire apparatus access per the IFC Appendix D Section D105. If any building has a floor level greater than 30 feet provide standpipes and a fire hydrant with 100 feet of the fire department connection.
8. **Other: GIS:** Need phone number of property owner, email address and CA number and expiration date for engineer, need surveyor information with the CA number and expiration date, show basis of bearing, show legend, show and label building setback limit, show benchmark and monuments, show land acreage total/number of lots/number of blocks, and subdivision data control sheet. Show areas of each lot in square footages and acres.

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 Development Services and Engineering Services staffs must be taken care of to their satisfaction.

Standard Conditions:

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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **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 preliminary plat for Nickel Creek Phase III per staff recommendation, subject to special conditions and standard conditions.

* * * * *

26. **PUD-531-A/Z-6034-SP-2 – Roy Johnsen**, Location: Northeast corner of East 81st Street and South Mingo Road, Requesting a **Major Amendment/Corridor Development Plan** to divide Development Area A into three development areas and allocation of commercial floor area and modification of height and setbacks, **CS/CO/PUD-531 to CS/CO/PUD-531-A**, (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 18442 dated April 13, 1995, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

PUD-531 April 1995: All concurred in approval of a proposed Planned Unit Development on a 36± acre tract for 3 development areas: Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartment on property located on the northeast corner of East 81st Street and Mingo Road; and includes the subject property.

Z-6132 January 1987: All concurred in approval of a request to rezone a tract of land from CO to CS, located on the northeast corner of E. 81st Street S. and S. Mingo Road.

Z-6034 May 1985: All concurred in approval of a request to rezone a tract of land from AG/RM-0/CS to CO, on property located on the northeast corner of East 81st Street and South Mingo Road.

Surrounding Property:

PUD-575-B/ Z-6611-SP-3 February 2008: All concurred in approval of a proposed Major Amendment to PUD and Corridor Development Plan on an 11± acre tract of land for office and childcare, on property located northeast corner of South Mingo Road and South 79th Street.

Z-6333-SP-4/PUD-579-B December 2006: All concurred in approval of a proposed Major Amendment and Corridor Site Plan on a 16.63± acre tract of land to add hotel, motel and recreation facility uses, within Development Area B; more specifically Lot 4, Block 1, Tall Grass, on property located north of the northeast corner of East 81st Street South and South 101st East Avenue.

Z-6611-SP-2/PUD-575-A December 2001: All concurred in approval of a proposed Major amendment to PUD and Corridor Site Plan on a 5.74 acre tract for an assisted living facility and previously approved mini storage on property located north of northeast corner of East 81st Street and South Mingo Road.

Z-6735/Z-6735-SP-1/PUD-625 February 2000: All concurred in approval of a request to rezone a tract of land from AG to CO and of a proposed Planned Unit Development/Corridor Site Plan on a 9± acre tract, for commercial, office and hotel on the north 6.9 acres and office and mini storage on the south 2.5 acres, per staff recommendation, on property located east of the southeast corner of East 81st Street and South Mingo Road

Z-6333-SP-2/PUD-579-A February 1999: All concurred in approval of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units 2 (private clubs), 5 (community centers), 11, and to establish permitted uses for new Development Area on property located on the north side of East 81st Street and west of Mingo Valley Expressway.

Z-6333-SP-1/PUD-579 February 1998: All concurred in approval of a proposed PUD on a 49 acre tract, to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment, on property located on the north side of E. 81st Street S. at the Mingo Valley

Z-6611/PUD-575 December 1997: All concurred in approval of a request to rezone a 32.8± acre tract, from AG to CO/PUD. The PUD that was approved allowed for multifamily uses on the south half (Development Area A) and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development

Area B) of property and located ¼ mile north of the northeast corner of East 81st Street and South Mingo Road.

Z-6470/PUD-522 January 1995: All concurred in approval of a request for rezoning a 10± acre tract of land from AG to RM-0/CS/PUD for a shopping center on property located on the southwest corner of East 81st Street South and South Mingo Road.

Z-6432 February 1994: All concurred in approval of a request to rezone a 5.2± acre tract from AG to CS, on property located on the southeast corner of East 81st Street and South Mingo Road.

Z-6281/PUD-460 March 1990: All concurred in approval of a request for rezoning a 150± acre tract of land from AG to RS-3/RM-0/CS/PUD for a commercial, office, multifamily and single-family development on property located northwest corner of East 81st Street South and South Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 11± acres in size and is located northeast corner of East 81st Street and South Mingo Road. The property appears to be vacant and is zoned CS/ CO/ PUD-531.

SURROUNDING AREA: The subject tract is abutted on the east by a credit union drive thru facility, zoned CO; on the north by a multi family project, zoned CO; on the south by East 81st, further south across 81st property is zoned CS and CO for a mixed commercial development zoned CS and PUD-625; and on the west by a mixed use development, zoned CS RM-O with a PUD 460 overlay.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Mingo Road and East 81st Street South as secondary arterial streets.

Staff Comment: This PUD major amendment will add employment density to the area taking advantage of the strong commitment to vehicular transportation systems in this part of Tulsa.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 81 st Street	Secondary Arterial	100'	4+
South Mingo Road	Secondary Arterial	100'	4+

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This major amendment is included in an Area of Growth in our comprehensive plan. 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.

Staff Comment: The PUD major amendment is part of a larger development where many infrastructure needs have already been provided. This development will continue to take advantage of previous infrastructure investment and encourage growth in the area.

This major amendment is included in a Town Center which is 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 Comment: This project is centered in a large Town Center designation which is rapidly evolving into an area consistent with the vision of the Comprehensive Plan. The proposed building height is taller than the original vision description but it is a use that can be supported by retail, neighborhood and retail surrounding the property. Staff recognizes that in this instance the additional height is not injurious to the neighborhood and may add a strong core to this Town Center.

Applicants Concept Statement:

The subject property is within a CO Corridor District and a CS Commercial District, and established as Development Area A of Planned Unit Development No. 531 and Corridor Conceptual Site Plan Z-SP-1 and platted as Lot 3, Block 1 Meadowbrook Chase. Development Area A as platted comprises 10.77 acres located at the northeast corner of 81st Street South and South Mingo Road. Planned Unit Development No. 531

and Corridor Conceptual Site Plan Z-6034-SP-1 were affirmatively recommended by the Tulsa Metropolitan Area Planning Commission on March 8, 1995 and approved by the Tulsa City Council on April 6, 1995.

Development Area A was initially approved for commercial development, and this major amendment proposes the division of Development Area A into three development areas (Area A-1, Area A-2, Area B, and Area C), and allocation of commercial floor area and modification of height and setbacks.

Staff Comment: The conceptual plan provided in this package does not illustrate the final site plan or landscape plans, some plan revisions should be expected during the final site, landscape and sign plan approval process. Specifically additional sidewalks and parking for bicycles will be required during the detailed site plan process. At this time there is no significant earthwork considerations that are expected to affect the development of this site however site grading considerations may affect the conceptual plan and additional requirement may be imposed during the site plan approval process.

PUD 531-A Development Standards:

The initial Development Area - A include the following:

Land Area Net: 10.77 acres

Permitted Uses: As permitted by right within a CS District.

Maximum Floor Area: 108,900 SF

Maximum Building Height: 35 FT

Minimum Building Setbacks:

From centerline of Mingo Road 100 FT

From centerline of 81st Street 100 FT

From north boundary 50 FT

From east boundary 10 FT

Proposed development standards of the revised Development Area A-1 are as follows:

Land Area Net: 3.69 acres

Permitted Uses: As permitted by right within a CS District.

Maximum Floor Area: 90,000 SF

Maximum Building Height:	120 FT
Minimum Building Setbacks:	
From east boundary	20 FT
From other boundaries	10 FT

Proposed development standards of the revised Development Area A-2 are as follows:

Land Area Net:	.92 acres
Permitted Uses:	As permitted by right within a CS District.
Maximum Floor Area:	20,073 SF
Maximum Building Height:	40 FT
Minimum Building Setbacks:	
From 81 st Street	100 FT
From other boundaries	10 FT

Proposed development standards of the revised Development Area B are as follows:

Land Area Net:	4.77 acres
Permitted Uses:	As permitted by right within a CS District.
Maximum Floor Area:	104,008 SF
Maximum Building Height:	40 FT
Minimum Building Setbacks:	
From centerline of Mingo	100 FT
From centerline of 81st Street	100 FT
From other boundaries	10 FT

Proposed development standards of Development Area C are as follows:

Land Area Net:	1.38 acres
Permitted Uses:	As permitted by right within a CS District.
Maximum Floor Area:	30,127 SF
Maximum Building Height:	40 FT

Minimum Building Setbacks:

From centerline of Mingo	100 FT
From other boundaries	10 FT

Lighting:

All building mounted lighting within 100 FT of the north boundary 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 the residential area north of the site.

Additionally, as a part of the Detail Site Plan review, an accurate Lighting Plan illustrating light poles and fixtures with a Photometric Plan will be provided illustrating height and fixtures facing down and away from the residential area. A Photometric Plan must be provided which does not exceed zero foot candles at the northerly boundary of the Project.

Parking lot fixture height shall be limited to 25 feet.

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 same cannot be seen by a person standing on any part of the property line at ground level.

Trash dumpster areas shall be screened by a masonry construction with steel doors. The doors shall be covered with an appropriate covering containing a minimum of 95% opacity on the gate frame.

Access and circulation:

The Project will a maximum have three (3) vehicular access to East 79th Street South and may have a shared access through the property east of this site and ultimately to East 81st Street South providing additional internal connectivity.

Pedestrian and other non motorized circulation systems shall encourage pedestrian and bicycle connectivity from the existing residential projects in the area.

Bicycle parking, including a rack or locker, shall be provided at a ratio of three bicycle parking spaces for each 100 vehicular parking spaces and a minimum of two spaces and will be placed near the major entrances of the building.

Other existing development standards pertaining to Development Area A as initially set forth within Planned Unit Development N0. 531 and Corridor Conceptual Site Plan Z-6034-SP-1, and not above modified, shall remain applicable.

STAFF RECOMMENDATION:

This major amendment is in harmony with the Comprehensive Plan of the City of Tulsa and the expected development pattern of this area including the original PUD-531.

The Development is in harmony with the PUD Chapter of the City of Tulsa Zoning Code.

Therefore staff recommends **APPROVAL** of PUD-531-A as outlined in the Applicants Statement, Development Standards and exhibits referenced above.

Mr. Walker stated that he passed out an amended text.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing Tulsa Teacher's Credit Union, stated that the proposal is for a seven story building and there are no single-family homes within the area. Mr. Johnsen pointed out the various uses in the subject area that consisted of apartments, offices, retail, etc.

Mr. Johnsen indicated that he met with staff several times and he is in agreement with staff's recommendation except for one issue. Mr. Johnsen stated that there is wording that there will be a requirement for bicycle racks and at one per 300 parking spaces. Mr. Johnsen further stated that this is probably a coming trend, but the Code has not been adopted at this time and it seems that it may be a little premature on the subject property. Mr. Johnsen requested the wording to be changed: "...may be determined as necessary at time of detail site plan". Mr.

Johnsen explained that not all buildings need this and what the number should be.

TMAPC COMMENTS:

Mr. Leighty asked what the objection is to bike racks. Mr. Johnsen stated that he doesn't believe that they are needed and not all that attractive. Mr. Leighty stated that if one isn't installed than people are not going to ride bicycles down there. Mr. Leighty stated that this is coming and this is not premature and it is happening. Mr. Leighty further stated that we are trying to encourage and working on improving our status from a bronze with a goal of getting to a silver of a bicycle-friendly city and one can't do that without infrastructure. Mr. Leighty commented that it is high time that we start building it and he would not back off one cent from that issue. It is disappointing that Mr. Johnsen even asked for relief on this honestly. If one can encourage people to get out on a bicycle and live a more active life that is the best thing for our community and it should be encouraged at every opportunity. Mr. Johnsen stated that he understands Mr. Leighty's comments, but he is simply suggesting that the Code is not adopted at this time and he doesn't really know the numbers that are appropriate or the type of buildings that it is appropriate for and this could be determined at detail site plan when one has the particulars.

Mr. Midget stated that he understands that Mr. Johnsen isn't opposed to it, but would like to wait until the detail site plan to make a more informed decision about the bike rack. Mr. Johnsen stated that it would also give him the opportunity to determine where it is appropriate to be placed on the site. Mr. Johnsen explained that his client has a little concern about this issue and he is not embarrassed to ask to deal with this at the detail site plan when the particulars are known. Mr. Midget stated that he likes bikes, but he isn't sure how appropriate it is when seeing the vehicular size of the roads in the subject area. Mr. Midget further stated that he would be willing to allow the applicant to make the decision at detail site plan rather than right now.

Mr. Leighty moved to approve per staff recommendation without any changes to the bicycle racks. Mr. Shivel seconded.

Mr. Midget stated that he would be voting against that because he believes that the Planning Commission could approve staff recommendation with the amendment of allowing the determination of the bicycle rack numbers and location at detail site plan.

Mr. Shivel withdrew his second.

Mr. Perkins seconded Mr. Leighty's motion.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **3-8-0** (Leighty, Perkins, Stirling "aye"; Carnes, Covey, Dix, Edwards, Liotta, Midget, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment/corridor development plan per staff recommendation for PUD-531-A/Z-6034-SP-2.

Motion Failed.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, 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 major amendment/corridor development plan per staff recommendation, subject to allowing the final determination of the number and location of the bike racks be made at detail site plan for PUD-531-A/Z-6034-SP-2.

Legal Description for PUD-531-A/Z-6034-SP-2:

Lot 3, Block 1, Meadowbrook Chase, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

COMPREHENSIVE PLAN PUBLIC HEARINGS:

27. Consider Adoption of "The 6th Street Infill Plan" amendments

STAFF RECOMMENDATION:

Item: Consideration of adoption of *The 6th Street Infill Plan* amendments

Background: In response to a February 1, 2013 amendment application to the 6th Street Infill Plan, TMAPC staff presented the items to the TMAPC at a February 20, 2013 Work Session. According to "Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission," such requests must be presented to the TMAPC who will determine whether to initiate the proposed amendment. The TMAPC considered eight (8) items for initiation at their March 6, 2013 meeting and voted to initiate five (5) of the amendments.

These five (5) were presented at an August 21, 2013, TMAPC Work Session for discussion. The Pearl District Business and Property Association voiced their intent to resubmit the three (3) proposed

amendments that were not previously initiated. As a result, TMAPC asked that all initiated items - the original five (5) plus any or all of the additional three (3) – be brought back together for a future public hearing.

On August 29, 2013, the Pearl District Business and Property Association made an official Comprehensive Plan Amendment Application for three (3) items. These proposed amendments items are similar, although not identical, to the items that were not initiated by TMAPC on March 6, 2013. On September 18, 2013, TMAPC voted to initiate the remaining three (3) amendments. At that meeting, the TMAPC expressed the desire for the Pearl District Business and Property Association and the Pearl District Association to meet and work toward agreement on amendments prior to the hearing date.

Since the September 18, 2013 TMAPC meeting, the Pearl District Business and Property Association and the Pearl District Association met and began working toward agreed upon definitions and subarea boundary alternatives. In addition, staff has worked with the applicant and received a revised map and definitions, including modifications to the *Residential Revitalization* and *Mixed Use Infill* subareas, as well as new definitions (where they did not previously exist) for the *Auto Oriented Commercial* and *Manufacturing Warehousing* subareas.

Amendment Requests: The following section outlines each amendment request submitted by the applicant as (a) and staff's recommendation as (b). Maps illustrating the original *6th Street Infill Plan* Land Use Plan Map (Attachment I), the applicant's request (Attachment II); and staff recommendation (Attachment III) are at the end of this staff report.

Amendment Request 1:

(a) **Applicant's request:** Clean up inconsistencies between subarea maps and land use map on p. 84 of *The 6th Street Infill Plan*.

(b) **Staff recommends approval** of applicant's request to correct the inconsistencies by:

- Reconciling the boundaries and titles of the subarea maps with the land use map on p. 84 of *The 6th Street Infill Plan*; and
- Distinguishing between “existing” and “planned” flood control areas.

Amendment Request 2:

(a) **Applicant's request:** Amend the Plan and the Map so that all industrial zoned properties (IL and IM) be planned within the Industrial Subarea (Manufacturing Warehousing).

- (b) **Staff recommends** extending the *Manufacturing Warehousing* subarea in the area between E. 2nd Street and E. 1st Street where the *Auto-Oriented Commercial* subarea currently exists. Staff recommends approval of extending the *Manufacturing Warehousing* subarea into this area primarily because East 1st Street in this location is a one-way (eastbound) street with limited access; therefore not ideal for the current *Auto-Oriented Commercial* subarea. Although a significant portion of this area is residential, it is isolated from any larger existing or future residential or mixed use area.

Staff recommends no increase in the other areas proposed for expansion of the *Manufacturing Warehousing* based on the need to reflect the vision for the future, not necessarily represented by the present zoning designation or land use. A portion of the proposed changes to increase the *Manufacturing Warehousing* subarea would result in a reduction of the *Mixed Use Infill* subarea, which is defined as “Residential, Commercial, Office, Manufacturing, Warehousing. Reuse of existing structures, smaller-scale, compatible, high-quality infill.” Therefore, manufacturing and warehousing uses in those areas are supported by the *Mixed Use infill* subarea. A change from *Mixed Use infill* area to a single use does not accomplish the vision of a mixed use community that supports the addition of future residential and commercial uses.

Earlier this year (2012), an extensive amount of mapping and field work was done by TMAPC and City of Tulsa Planning Department staff to prepare an Industrial Land Use Study with the purpose of evaluating the proposal to expand the *Manufacturing Warehousing* subarea. The existing *Manufacturing Warehousing* subarea (per Land Use Map in “*The 6th Street Infill Plan*”) and the proposed *Manufacturing Warehousing* designation were mapped to determine the area to be studied. The study area constituted the area proposed for expansion of the *Manufacturing Warehousing* designation and made up three distinct geographic areas. Staff evaluated several factors in the three (3) study areas including:

- Existing zoning on the properties;
- Land use classifications per the Property Assessor’s Office;
- Physical survey to confirm Property Assessor’s data; and
- Conformity of existing structures with existing Zoning Code front building setback requirements.

In general, the findings showed:

- not all parcels within the study areas are zoned industrial;
- there is no set pattern of land use in any of the three (3) study areas; and
- Many non-residential buildings in the study areas do not meet the required building setbacks, thus are existing legal non-conforming structures.

This is clearly an area of transition, with no specific development pattern emerging at this time. There are some industrial uses, but the area is not currently dominated by industrial character.

TMAPC COMMENTS:

Mr. Dix stated that several months ago when the maps were discussed there were some property owners that had their properties were split by falling into one area or another. Mr. Dix asked if this issue has been resolved. Ms. Miller stated that she doesn't remember that issue. Ms. Miller further stated that is a plan and people do get caught up in little tiny parcel lines and it is really meant to represent the vision in a conceptual way. Mr. Dix asked what the property owner is supposed to do. Ms. Miller explained Mixed Use Infill and its uses, which allows manufacturing and warehousing. All of the manufacturing warehousing that is in the subject area is appropriate. Mr. Dix stated that the property owner may be okay regardless the fact that their property is split between two different uses. Ms. Miller stated that she doesn't believe that there is a problem anyway since this is a concept, a plan and it isn't a blueprint parcel line by parcel line kind of detail. Ms. Miller stated that this isn't a regulation.

Amendment Request 3:

- (a) **Applicant's request:** Amend the Map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11th Street South from the plan area.
- (b) **Staff recommends approval** of applicant's request to amend the map boundary to the centerline of South Utica Avenue and East 11th Street South.

Amendment Request 4:

- (a) **Applicant's request:** Amend Plan language regarding street closures, as proposed below:

16.9 Street Alignment and Streetscaping

"The 6th Street neighborhood is laid out on a grid pattern, with several local streets feeding into the arterial streets of 11th Street, 6th Street, Utica Avenue, and Peoria Avenue. The existing grid pattern efficiently promotes accessibility for both vehicles and pedestrians via many routes. As important, the rectangular blocks

circumscribed by this grid provide an efficient starting point for the restoration and rebuilding of this neighborhood.

The 6th Street Task Force acknowledges that some changes to the grid may be required to accommodate parks, ~~and~~ ponds, paths, ~~and community institutional, multifamily, and commercial~~ uses and that this ~~perhaps will~~ involve the closing of some streets and introduction of a few new curvilinear streets. But it is hoped that these changes will be minimal. The Task Force wants the streets to retain the characteristics of a traditional urban neighborhood in certain subareas, and does not want new street patterns to emulate the confusing maze of dead ends so often found in modern suburban neighborhoods. Street closures should be allowed to permit larger-scale developments or projects that require controlled access, efficient utilization of tracts created by the creation of detention ponds, and where the impact of street closure will be minimal."(page 70, 71)

16.9.1.1.1 Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained. However, when necessary for larger-scale development or projects that require controlled access, creation of detention ponds, or where the impact of a street closure is minimal, street closures should be allowed. (page 71)

(b) **Staff recommends** alternative language:

- 1) adding a broader clarification about the purpose of the Plan to address the applicant's concern:

"This Plan is not regulatory in nature, rather a guide for future regulations. The Plan should also act as a policy guide for development proposals; however, each development proposal must be evaluated on its' own merit based on unique site conditions." (Add under "3. Recommended Changes in Development Policy" on page 14); and

- 2) adding a revised version of the applicant's request:

"16.9.1.1.1 Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained. However, where the impact of street closure is minimal, it may be appropriate for larger-scale development or creation of detention ponds." (Page 70)

The applicant proposes modifications to *16.9 Street Alignment and Streetscaping*, which summarizes the 6th Street Task Force findings in the years leading to the Plan's adoption in 2006. It is not appropriate or necessary to modify past findings at this time. When reviewing development proposals, staff consults plan

recommendations for guidance, not other narratives throughout the Plan.

Other Plan language in Section 16.9.1 (page 71), Goal 16.9.1.1.1 states: “Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained.” The existing Plan language, as well as the proposed language, allows the flexibility to take into account situations where maintaining the grid system may not be feasible. It is the Form-Based Code that requires that the connectivity of the street grid, specifically intersection alignments, be maintained.

Amendment Request 5: WITHDRAWN BY THE APPLICANT

- ~~(a) **Applicant’s request:** A form based code may not be appropriate in all of the plan area. Especially, a form based code that wastes land, limits and restricts parking, limits the size of building floor plates, on the one hand restricts building height along arterial streets and on the other require such buildings to be at least two (2) stories in height, permits buildings without any or even adequate parking, fails to recognize existing land uses, requires street walls and fails to recognize the importance of the automobile in the success and vitality of the Planned Area. Recommendation: Consider adopting an abbreviated and streamlined version of a form based code with concepts similar to those recently adopted City of Chicago for use along certain arterial streets. Such concepts would allow buildings to be build back from the street with pedestrian-oriented features such as street walls and landscaping.~~
- ~~(b) **Staff recommends** no change to *The 6th Street Infill Plan* in response to this request since the request is to re-examine some of the details in the existing Form-Based code. City of Tulsa Planning staff has engaged a consultant to re-evaluate the Form-Based Code and draft an abbreviated version.~~

Amendment Request 6

- (a) **Applicant’s Request:** Amend the Map to provide that all of South Utica Avenue, all of East 11th Street South, South Peoria Avenue north of East 6th Street, and I-244 frontage, be planned within the Highway Commercial Subarea (Auto-Oriented Commercial) and removed from the Neighborhood Commercial Corridors Subarea (Mixed Use Infill).
- (b) **Staff recommends** approval of a portion of the applicant’s request – to include Utica Avenue south of railroad tracks and E. 11th Street between Utica Avenue and Peoria Avenue in the *Auto Oriented Commercial* subarea. These roadway segments are identified as Urban Arterials on the Major Street and Highway Plan and are on

the perimeter of the Plan area. In addition, E. 11th Street is Route 66, which was intended for heavy automobile travel.

Staff is not recommending approval of an *Auto-Oriented Commercial* subarea designation north of E. 6th Street on Peoria Avenue at this time since it is a key internal corridor adjacent to and connecting pedestrian areas. This could represent a major shift in intent of the vision of the Plan and staff would look to an agreement for that change by both the Pearl District Business and Property Association and the Pearl District Association.

Amendment Request 7:

- (a) **Applicant's Request:** Amend Plan language regarding parking as proposed below:

16.2.4. Parking Philosophy

“An area-wide parking strategy should at its core reflect the following understanding: 1) Additional off-street parking will facilitate reuse of existing structures, and 2) On- street parking is beneficial for businesses, people in cars, and pedestrians (through indirect traffic calming effects). Generally, in Mixed Use and Redevelopment subareas, off-street parking areas should be located behind principal structures. Good design (access, landscaping, screening, setbacks, etc.) can provide an adequate buffer between commercial and abutting residential properties. ~~Vast expanses of off-street parking are not appropriate for this neighborhood.~~ An inadequate supply of off-street parking is not appropriate for this or any neighborhood. Shared parking in a pedestrian-oriented, mixed-use area is an inherent design benefit. Commercial areas, residential developments, churches, and institutions, should work together to provide maximum efficiency and minimum amounts of land. Formal association among property owners is encouraged so that revenue and incentives can be focused on creating structured parking. There should be no reduction in required parking as specified in the Tulsa Zoning Code until such time as public parking facilities or enhanced public transportation are available, or new incentives are included in the zoning code. Until such time, any relief from parking requirements should be obtained through processing a variance request through the Board of Adjustment.” (Page 59)

- (b) **Staff recommends alternative language:**

- 1) adding a broader clarification about the purpose of the Plan to address the applicant's concern:

“This Plan is not regulatory in nature, rather a guide for future regulations. The Plan should also act as a

policy guide for development proposals; however, each development proposal must be evaluated on its' own merit based on unique site conditions." (Add under "3. Recommended Changes in Development Policy" on page 14); and

2) adding a revised version of the applicant's request:

16.2.4 Parking Philosophy

"An area-wide parking strategy should at its core reflect the following understanding: Additional off-street parking will facilitate reuse of existing structures, and 2) On- street parking is beneficial for businesses, people in cars, and pedestrians (through indirect traffic calming effects). Generally, off-street parking areas should be located behind principal structures. Good design (access, landscaping, screening, setbacks, etc.) can provide an adequate buffer between commercial and abutting residential properties. ~~Vast expanses of off-street parking are not appropriate for this neighborhood.~~ Shared parking in a pedestrian-oriented, mixed-use area is an inherent design benefit. Commercial areas, residential developments, churches, and institutions, should work together to provide maximum efficiency and minimum amounts of land. Formal association among property owners is encouraged so that revenue and incentives can be focused on creating structured parking. There should be no reduction in required parking as specified in the Tulsa Zoning Code, unless a variance is granted by the Board of Adjustment, until such time as parking facilities or enhanced public transportation are available, or new incentives are included in the Tulsa Zoning Code." (Page 59)

Amendment Request 8:

(a) **Applicant's Request:** Amend Plan map to expand the *Residential Revitalization* subarea to "*provide for more diverse housing types*" and revise/add definitions:

- Adding the word "diverse" to the definition of the *Residential Revitalization* subarea;
- Adding a definition for *Auto-Oriented Commercial* subarea as: "Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region."

- Adding a definition for *Manufacturing Warehousing* subarea as: “Manufacturing, Warehousing, and Industrial uses; assembly and distribution facilities.”
- Deleting the term “high quality” from the definition of *Mixed Use Infill* subarea, since it is the goal and understanding that all future development in the area meets that standard, not only that in the *Mixed Use Infill* subarea.

(b) **Staff recommends** approval of the applicant’s request to extend the *Residential Revitalization* subarea and revise/add land use definitions on the Plan map.

TMAPC COMMENTS:

Mr. Walker requested Ms. Miller to go back and go by the request numbers and in summary where the agreements are at this time.

Request 1: Agree. Staff is in agreement with applicant’s request.

Request 2: Partial agreement.

Request 3: Approval.

Request 4: Alternative language

Request 5: Withdrawn by the applicant

Request 6: Partial agreement.

Request 7: Alternative language

Request 8: Approval.

INTERESTED PARTIES COMMENTS:

Mr. Westervelt informed the Planning Commission that his group has different areas that they will present and requested that they be allowed to go in their order very quickly.

Katy Brown, IHCR, 550 South Peoria, 74120, thanked the Planning Commission and Ms. Miller for all the time spent on this issue. The Pearl District Business Association submitted their presentation (Exhibit D-3). Ms. Brown stated that the Pearl District Business Association represents \$90 million dollars in the Pearl District and provide over 900 jobs and represent 25 Chamber members. Ms. Brown indicated that the association has continued to reach out to the Pearl District Homeowners Association and met with Julian Morgan and subsequent meetings with Tom Crowe and Julian Morgan to discuss the requests. Ms. Brown stated that there were some compromises on the Business Association side to meet the Pearl District Association needs. Ms. Brown commented that one of the requests was to changing 6th Street to mixed-use infill; they had a lot of heart burn with this. Ms. Brown listed the compromises that the Business Association made and indicated that the Pearl District Association had no flexibility to compromise with any of the items they discussed. Ms. Brown stated that one of the positive things that came out

of meeting with the Pearl District Association was that they met with the City staff and discussed cleaning up the subject area and making improvements in the Pearl and looking at the vision of what they would like the Pearl to look like. The City indicated that they would work with everyone in the district in these endeavors. Ms. Brown thanked Mr. Midget for setting up the meeting. Ms. Brown stated that the Business Association has met with staff and agree on many of the recommendations.

TMAPC COMMENTS:

Mr. Covey asked Ms. Brown if Ms. Miller accurately represent which amendments your group was in approval. Ms. Brown answered affirmatively. Mr. Covey asked if Ms. Brown knows where the Pearl District Association is in agreement on with the staff recommendation. Ms. Brown stated that she can't speak to that, but in the discussion with them we didn't get to an agreement with anything discussed.

INTERESTED PARTIES COMMENTS:

Lou Reynolds, 2727 East 21st Street, 74114, stated that his group is in agreement with Item 1. He explained that on Item 2 there isn't an agreement with the map regarding a triangle of land around Rockford, which should be industrial. Mr. Reynolds submitted a plan map that the business association is proposing (Exhibit D-4). Mr. Reynolds cited the businesses located within the triangle referenced in the map that would be considered industrial uses. Mr. Reynolds stated that there are no better uses than the current uses by the railroad tracks, residential will not move near railroad tracks.

TMAPC COMMENTS:

Mr. Walker stated that what Mr. Reynolds just stated is in direct conflict with the last paragraph of Item 2. Mr. Reynolds agreed.

Mr. Perkins asked if there isn't any reason why there couldn't be mixed-use within the triangle so that if someone wanted to live the subject area they could do so. Mr. Reynolds stated that he believes that they can live in the subject area if they want to. The businesses do not want people living in the subject area and then begin to complain about the noise and 24-hour operation. Mr. Reynolds further stated that he can't imagine why anyone would want to live next to Superior Linen, the bus barn, etc.

INTERESTED PARTIES COMMENTS:

Joe Westervelt, 1630 South Boston Avenue, 74119, stated that he will cover the street closure section, Item 4. Mr. Westervelt mentioned is experience before the City Council for the QuikTrip development on 11th and Utica and was informed that if the street was closed it would be breaking the law and violating the Plan. Mr. Westervelt indicated that he

would like to make sure that when someone reads the Plan that they do understand that it is permissible to close streets. The language is currently rather vague, even though the word is “should” instead of “shall”. Mr. Westervelt cited several businesses in the subject area that have developed or expanded and needed street closures. Mr. Westervelt stated that he would like to thank Susan Miller for the amount of time she has spent with the Business Association and have accomplished a lot in the last three weeks. Mr. Westervelt indicated that Ms. Miller didn’t want to change the historic language, but rather add some language and he believes that some of the historic language with the added language looks duplicitous or not clear. Mr. Westervelt stated that he would like to make sure that a large development isn’t prevented from developing in the subject area due to the street closure issue and would like to make sure the language is clear and more concise.

Mr. Westervelt stated that the Business Association has withdrawn Item 5.

TMAPC COMMENTS:

Mr. Covey stated that staff is stating that the street closure has to be minimal first and if it is impactful than they do not get a street closure. Mr. Covey further stated that the Business Association doesn’t want that to be a requirement. Mr. Westervelt stated that the normal process of street closures would determine whether or not it is a major impact.

Mr. Dix stated that he has a problem with staff’s wording. Determining minimal impact can be subjective.

Mr. Westervelt stated that there is an opportunity for expansion in the subject area and he wouldn’t want to discourage them from expanding within the subject area and he doesn’t want the street closure to be the issue that prevents expansion.

Mr. Covey stated that he has a problem with the statement that starts with “the 6th Street Task Force acknowledges...” because obviously they are not acknowledging this. If the Planning Commissioner were to approve this language that part would have to be stricken. Mr. Westervelt stated wordsmithing that the Planning Commission need to clarify is certainly acceptable if the intent is understood.

INTERESTED PARTIES COMMENTS:

Carmelita Skeeter, CEO of Indian Healthcare Resource Center, 550 South Peoria, 74120, stated that the clinic serves medical, dental, optometry, alcohol and substance abuse, mental health, WIC and a wellness department.

Ms. Skeeter stated that she will be speaking to auto-oriented decisions that are being made. There are 135 staff members and located at the subject property since 1999. The clinic serves 160 Federally recognized tribes and serve 6,000 to 10,000 patients a month. Patients come by auto to the facility, they come by bus to the facility and there is a bus shelter for the patients, as well as bicycle racks for staff and patients, but most patients travel by auto. Ms. Skeeter indicated that the facility provides transportation for the patients. The automobile is very important to the care that is provided.

Ms. Skeeter stated that the Pearl District Association felt that the facility was a negative impact from the beginning and had to come to the Planning Commission to obtain approval to develop the property. The subject property was originally Longfellow School and was bordered up with graffiti all over it and drug paraphernalia. The school set empty for over 20 years. IHCRC removed the school building and built a new 27,000 square foot clinic and since that time the clinic has expanded and is now over 50,000 square feet. The Pearl Association didn't want the facility in the subject area and lobbied against the purchase of the building because of the non-profit status. IHCRC has tried to make friends with the association and has given money to help support the Farmer's Market and to help with the cleanup they had a few months ago. The IHCRC has tried to be a good neighbor and allow any association or activity across the street to use the facility parking at night and weekends.

Ms. Skeeter stated that the facility is now looking at a blueprint for a wellness center on the north side of 5th Street. The IHCRC has worked diligently to clean up the neighborhood. The IHCRC will have removed two plus blocks of drug ridden homes that were falling down. The IHCRC is a catalyst in the neighborhood and provides an excellent service.

Jim Cameron, IHCRC, 550 South Peoria, 74120, stated that he will speak to the auto-oriented issue and there is no doubt that Peoria is an auto-oriented street. It is interesting that recently the Traffic and Transportation Department of the City of Tulsa has approved parking spaces on the east side of Peoria between 11th and 6th Street. Those parking spaces state that they are available 12 hours a day, 6:00 p.m. to 8:00 a.m. Between 6:00 p.m. and 11:00 a.m. the right-turn lane on Peoria is now used for parking. The point is that people need parking because they are driving the automobiles into the Pearl District to visit the Pearl District. Mr. Cameron cited several auto-oriented businesses along Peoria.

Mr. Cameron stated that the subject area is not mixed-use infill, which is the status that staff would like to place on it. All of the businesses along Peoria depend on vehicular access. Peoria Avenue is one of the major bus routes for MTTA. The Business Association is requesting that the

map be revised as submitted and use common sense to designate Peoria as an auto-oriented street. It is essential and is one of the most essential amendments.

TMAPC COMMENTS:

Mr. Midget asked Mr. Cameron if he is suggesting that the Planning Commission amend the Plan to allow auto-oriented designation from 6th Street to I-244 and the rest would remain the same until one reaches the intersection of 11th Street. Mr. Cameron agreed.

In response to Mr. Covey, Mr. Cameron cited the various properties that IHCRC own in the Pearl District.

Mr. Dix stated that he is struggling with the definition and what is being called auto-oriented. QuikTrip serves gas and one has to go there to get gas in their car, Sonic is a drive-in restaurant and one eats in their car, and McDonalds has a drive-through window which requires a car to go through. Mr. Dix asked Mr. Cameron how IHCRC should be defined as auto-oriented business. Mr. Cameron stated that they have a two-lane drive-through pharmacy for their patient's that is constantly busy.

INTERESTED PARTIES COMMENTS:

Joe Westervelt, 1630 South Boston Avenue, 74119, stated that he will be covering Item 7 and 8 as well. Mr. Westervelt indicated that the Business Association is in agreement with staff's recommendation for Items 7 and 8.

TMAPC COMMENTS:

Mr. Liotta asked Mr. Westervelt to give him an example of what diverse housing would look like in this definition. Mr. Westervelt stated that there are some single-family, duplexes, quad-plexes and to think one has to scrape everything down and build townhouses or something high density would wind up with 100's of years of zoning that can't be utilized because the market is not broad enough to absorb all of it at one time. Mr. Westervelt explained that he would like to see a mix of stock in the subject area.

INTERESTED PARTIES COMMENTS:

Gail Runnels, 10 East 3rd Street, 74103, stated that he would like to reaffirm the need to have solely manufacturing and industrial in the triangle area that has been discussed today. There has been mixed-use in the past with residences in the subject area, but they are all gone. The residences were either abandoned or torn down.

Lorenda Stetler, 2440 South St. Louis, 74114, representing the Pearl District Association and are in agreement with staff's recommendations.

TMAPC COMMENTS:

Mr. Covey asked Ms. Miller about the staff comment on Item 6 regarding the amendment could represent a major shift in the intent of the vision of the Plan. Mr. Covey asked if we are to the point that all of this could represent a major shift in the entire 6th Street Infill Plan. Ms. Miller stated that she felt that in the big picture/long term those things didn't really make a difference, but she does believe it is a shift if it goes to auto-oriented. Ms. Miller stated that she believes the requested amendment could make a difference. Mr. Covey stated that in all honesty he was surprised with some of staff's recommendation given staff's recommendation given on previous items in the past. Ms. Miller stated that she still believes that some of the language is not necessary because of the Plan, but she realizes that the applicant didn't have that comfort level. Mr. Covey stated that the map is looked at when one applies zoning to a certain area and that is where it does matter because someone will argue that their property is in this subarea versus another subarea. Ms. Miller stated that the boundaries do matter, but she doesn't believe that inch-by-inch on the property that it matter.

Mr. Midget stated that he would like to state that he appreciates all of the work that everyone has done. It is a major step forward to have the items that there is an agreement on and makes it easier for the Planning Commission to work through this. Mr. Midget commented that he needs to understand more clearly the industrial, Item 2. Mr. Midget stated that if one drives the area and looks at the area it is industrial and what is the reasoning for staff not wanting to extend it. Ms. Miller stated that the bottom line is that this is a long range plan. Ms. Miller further stated that long range plans sometimes are 20 years in the making, 30, 40 or 50 years and some are even beyond that. Ms. Miller reminded the Planning Commission that she wasn't here when the 6th Street Infill Plan was created, but that was the vision that in the long term, however long that may be. Plans are not drafted to reflect existing conditions; if they were there would be no need to plan. Ms. Miller concluded that the 6th Street Infill Plan reflects the long term vision. Ms. Miller explained that City staff and INCOG staff did a study to see if the subject area was a solid industrial area now and in the future and those aren't findings that they came up with. Mr. Midget stated that there was a wish to relocate the bus station that is located within the triangle area near 5th Street Court, but that hasn't happened. Mr. Midget explained that his main concern is the area just west of Peoria because he knows the area well and it is industrial and has been for many years.

Mr. Dix stated that he would really like to thank Susan and her staff for their willingness to bend. The Pearl District Association needs to bend and the Business Association needed to bend, as well as staff and it has been done and he applauds everyone. Mr. Dix further stated that he is

really concerned about the map and the reason for the concern is because the map is what developers look at when looking for a location. Ms. Miller stated that staff can look at those boundaries. Mr. Dix stated that he likes the map that the applicant has submitted (Exhibit D-4). Ms. Miller stated that if staff's recommended map bisects property so will the submitted map by the applicant. Mr. Dix stated that bisecting properties is an issue that can be resolved simply, but in a general configuration he really likes the applicant's map. Mr. Dix stated that he would support the applicant's map as an option rather than staff's map.

Mr. Walker stated that they will take each Item and vote on them individually.

Item 1:

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, 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 Item 1: Clean up inconsistencies between subarea maps and land use map on page 84 of The 6th Street Infill Plan per staff recommendation.

Item 2:

Mr. Midget stated that he believes that the applicant's map is more of a compromise map and is cleaner for the industrial area. It captures the realities from now and 20 to 30 years from now.

Mr. Leighty stated that he supports staff's recommendation on this and he doesn't believe it needs to go beyond that. Mr. Leighty further stated that he likes what Ms. Miller said that plans are not drafted to reflect existing conditions and there is a vision and The 6th Street Infill Plan may not look like that today, but if it ever is going to look like that vision then there will have to be some changes made. Mr. Leighty commented that he believes that there has been a good deal of compromise on both sides and no one is going to win with a hard line and he supports staff's recommendation on this item.

Mr. Edwards asked if the motion is to ignore staff's map and accept the applicant's map. Mr. Midget stated that is his motion, but for clarification purposes, he doesn't see 1st Street as mixed-use infill and he doesn't see anything with the way it is and that is why he is supporting the applicant's proposal on the industrial.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-1-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** to amend the

Plan and the Map so that all industrial zoned properties (IL and IM) be planned within the Industrial Subarea (Manufacturing Warehousing) per the applicant's request and map (Exhibit D-4).

Item 3:

Mr. Leighty stated that the reason this is being revisited is because there was a mistake made basically, which was a discrepancy between what the map stated and what the language stated. If the plan doesn't extend to both sides of the street it is a poor plan. Mr. Leighty asked who the Planning Commission is serving by approving this to stop at the center line of the street. It doesn't make any sense and he is opposed to it.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-1-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** to amend the Map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11th Street South from the plan area per staff's recommendation.

Item 4:

Mr. Midget stated that he understands what both the Pearl District Association and staff are stating in terms of the street closures. Mr. Midget further stated that he thinks the big difference here is how do we get to the end and allow development to occur in the area when a street needs to be closed without seriously impacting the natural grid or the urban character of a neighborhood. Mr. Midget stated that he would like to see something that gives the Planning Commission an opportunity to consider it, as opposed to just automatically allowing it. Mr. Midget further stated that he doesn't believe it should be allowed just because, but he would like to be able to consider it and then make a determination whether a street should be closed. Mr. Midget feels that the language needs to be clarified.

Mr. Leighty stated that the QuikTrip is a good example, why do we need to change this, they got what they wanted. There is no need to change this and keep the Comprehensive Plan intact that we need to provide connectivity and maintain the street grid whenever possible. Why change that now, because it will only encourage more of this and in his view it would be inappropriate. Mr. Leighty commented that this has basically become a popularity contest. The Planning Commissioners that have been voting to support the developers and the people in the Pearl District Business and Property Association to the detriment to the Pearl District Association that have worked on this for years and years. Mr. Leighty stated that we are talking about ½ of 1% of the land area in the City of Tulsa. This one little area the City wants to try and do something and

have an experiment and reinvent a part of Tulsa that really needs something and the Commissioners are just ignoring the Planning Staff for both the City and INCOG to suit some people who are in business and most of them don't even live there and it is all about them. Mr. Leighty commented that he doesn't get it and he believes that nothing should be done to change anything to encourage people to think that closing streets is a good option.

Mr. Stirling stated that he is more comfortable with the alternative language that staff has provided. He believes that it does provide for the opportunity for street closure opportunities.

Mr. Walker suggested: "...street closures should be considered." Is this too broad? Mr. Midget stated that he could support that wording. Instead of minimal and instead of allowed. Ms. Miller suggested "may be allowed" to soften the "should".

Mr. Midget stated that he has trouble understanding how one would evaluate if a street closure would be minimal impact. Everything has to be taken into consideration. Mr. Midget stated that he can see a street closure in certain circumstances, but not in all.

Discussion ensued regarding the wording by the Planning Commissioners, staff and applicant.

Mr. Perkins moved to approve the applicant's request with the changes on 27.3 of the agenda packet; however, 16.9.1.1.1 the first one on page 27.4, starting at "however" reads as follows: However, when necessary for large scale developments or, projects that require controlled access, or the creation of detention ponds, street closure may be considered.

Mr. Covey requested a friendly amendment: Pg. 27.3: applicant's request: strike "The 6th Street Task Force acknowledges that" and begin with: Some changes to the grid and accept the rest of the language, but in the third sentence strike "The Task Force wants" and being "The streets should retain the characteristics of a traditional urban neighborhood in certain subareas, provided however, street closures may be considered for larger-scale developments and accept the rest of the language. Then moving to 16.9.1.1.1: starting at "However street closures may be considered for larger-scale developments or projects that require controlled access, efficient utilization of tracts created by the creation of detention ponds."

Mr. Covey stated the following motion: Moved to approve the language of staff recommendation B.1. and under the applicant's language for 16.9., second paragraph read as follows: Some changes to the grid may be

required to accommodate parks, ponds, paths, institutional, multifamily and commercial uses and this will involve the closing of some streets and introduction of a few new curvilinear streets. But it is hoped that these changes will be minimal. The streets should retain the characteristics of a traditional urban neighborhood in certain subareas, provided however, street closures may be considered for large-scale developments or projects that require controlled access, efficient utilization of tracts created by the creation of detention ponds, and where the impact of street closure will be minimal.” 16.9.1.1.1: read as follows: Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained. However, street closures may be considered for large scale developments or projects that require controlled access, creation of detention ponds or where the impact of a street closure is minimal.

Mr. Leighty asked what is wrong with 4.B.2. Mr. Walker stated that they don't like the word “minimal”. Mr. Leighty stated that the Planning Commission should listen to their staff and the planning professionals. Mr. Leighty stated that he doesn't understand this. Mr. Leighty stated that the Planning Commission just can't wait to please these guys with everything that they want and it is incredible.

Mr. Dix seconded Mr. Covey's motion.

Mr. Perkin's would like to strike minimal. Mr. Covey stated that it is an “or” and not a requirement. If anyone brought a project forward and shows that it is minimal, then it could be considered and it is not a requirement. Mr. Perkins agreed.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-1-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of Item 4 with the following language: **APPROVE** the language of staff recommendation B.1, **APPROVE** the applicant's language for 16.9., second paragraph as follows: Some changes to the grid may be required to accommodate parks, ponds, paths, institutional, multifamily and commercial uses and this will involve the closing of some streets and introduction of a few new curvilinear streets. But it is hoped that these changes will be minimal. The streets should retain the characteristics of a traditional urban neighborhood in certain subareas, provided however, street closures may be considered for large-scale developments or projects that require controlled access, efficient utilization of tracts created by the creation of detention ponds, and where the impact of street closure will be minimal.” **APPROVE** 16.9.1.1.1, as follows: Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained. However, street closures may be considered for large scale developments

or projects that require controlled access, creation of detention ponds or where the impact of a street closure is minimal.

Item 5: Withdrawn by applicant.

Item 6:

Mr. Leighty out at 5:41 p.m.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **8-1-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Walker "aye"; Stirling "nays"; none "abstaining"; Carnes, Leighty "absent") to recommend **APPROVAL** to amend the map to provide that all of South Utica Avenue, all of East 11th Street South, South Peoria Avenue north of East 6th Street, and I-244 frontage, be planned within the Highway Commercial Subarea (Auto-Oriented Commercial) and removed from the Neighborhood Commercial Corridors Subarea (Mixed Use Infill).

Item 7:

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Leighty "absent") to recommend **APPROVAL** to amend Plan language regarding parking per staff's alternative language and to strike the sentence "vast expanses of off-street parking area not appropriate for this neighborhood."

Item 8:

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Leighty "absent") to recommend **APPROVAL** to amend Plan map to expand the Residential Revitalization subarea to "provide for more diverse housing types" and revise/add definitions per staff recommendation.

TMAPC COMMENTS:

Mr. Liotta stated that he has been following The 6th Street Infill Plan and everything related to it and along the way he has been confused about some aspects of it. Mr. Liotta stated that he would like to thank everybody that was involved in putting together what was done today, because this is finally clarifying exactly what we are trying to do and this was a very good process, what we did today, in working out the conflicts and coming up with reasonable compromises. Mr. Liotta thanked Ms. Miller and her staff. Ms. Miller stated that it was just her. Mr. Liotta continued that he would

like to thank the folks on either side of the issue and thank everyone for coming together.

Mr. Edwards stated that he would like to commend the Planning staff because this was not an easy task and he is glad that he is on this side of the table. The work that Ms. Miller, Ms. Warrick, Mr. Wilkerson and everyone else that was involved and their patients that has been shown. Mr. Edwards stated that Planning Commission is very fortunate to have these people on staff and he commends them for all of the work they have done.

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OTHER BUSINESS

28. Consider initiation of a Mixed-Use Institutional (MX-I) Zoning District as an implementation tool of the Utica Midtown Corridor Small Area Plan.

STAFF RECOMMENDATION:

Item: Consider initiation of a Mixed-Use Institutional (MX-I) Zoning District as an implementation tool of the Utica Midtown Corridor Small Area Plan.

Background: At the October 16, 2013 TMAPC Work Session, the City of Tulsa Planning staff presented the proposed Utica Midtown Corridor Small Area Plan and discussed the creation of a Mixed-Use Institutional (MXI) Zoning District as an implementation tool of Plan.

The Comprehensive Plan as adopted has several recommendations for maintaining and creating walkable urban neighborhoods at locations throughout the City of Tulsa. The specific building blocks recommended within the Utica Midtown Corridor Planning boundaries are:

- Residential areas north of 15th are planned as “Downtown Neighborhood”, which recommends medium to high-rise residential development that is “primarily pedestrian-oriented” with convenient access to both shopping and transit.
- The hospital campuses are planned as “Regional Centers”, which recommends “mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses.”
- And properties along Utica Corridor are planned as “Mixed Use”, which plans for building along the corridor that, “...include windows and storefronts along the sidewalk, with automobile parking located on the side or behind.”

These recommendations were all affirmed by citizens participating in the Utica Midtown Corridor process. Their vision expresses a strong desire for walkable neighborhoods and diverse housing types.

A fundamental precept of the Comprehensive Plan is “...ensuring that the *easiest* path is the *right* path.” Unfortunately however, as noted on page 94 of the Utica Midtown Corridor Plan draft, the “...current zoning code does not allow, by right, mixed-use development as envisioned for the plan area...”. Although it is possible to produce mixed-use development through a series of complicated discretionary requests for PUDs and variances, the straightforward solution as recommended by the Comprehensive Plan and the Utica Midtown Corridor Plan is to create mixed-use zoning districts. The Zoning Code update currently underway proposes several mixed-used zoning districts.

Purpose: This proposal for Mixed-Use Institutional (MX-I) zoning will address a particular set of needs found with large institutions located near stable neighborhoods. Mixed-use (MX) zoning has been recommended by the Comprehensive Plan as a straightforward alternative to PUDs. MX districts allow the construction of reasonably predictable building types, but still retain some of the flexibilities found in other conventional zoning districts. The Mixed-Use Institutional (MX-I) zoning proposed in the Utica Midtown Corridor Plan also addresses the “edge issues” presented by large institutions in close proximity to lower density, established neighborhoods. The proposed MX-I district in the Utica Midtown Corridor Plan should incorporate:

1. “The flexibility of uses necessary for successful medical districts”; and
2. “Regulate transitions to residential areas (accounting for height, setback, and landscaping requirements).”

The intent of the MX-I zoning district is to provide flexibility that for the property owner and also predictability to neighbors since the zoning would contain clearly defined standards that will manage the edges of the district and ensure smooth transitions to the abutting neighborhoods.

Recommendation: Staff Recommends that the Planning Commission initiate the creation of a Mixed-Use Institutional (MXI) Zoning District.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Leighty "absent") to **APPROVE** to initiate a mixed-use institutional zoning district as an implementation tool for the Utica Midtown Corridor Small Area Plan per staff recommendation.

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TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Leighty "absent") to **ADJOURN** TMAPC meeting No. 2661.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 5:50 p.m.

Date Approved:

12-4-13



Chairman

ATTEST:


Secretary