

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2663

Wednesday, December 4, 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	Leighty	Bates	Duke, COT
Covey	Shivel	Fernandez	VanValkenburgh, Legal
Dix	Stirling	Huntsinger	
Edwards		Miller	
Liotta		White	
Midget		Wilkerson	
Perkins			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 27, 2013 at 2:42 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman’s Report:

Mr. Walker acknowledged Brad Bates, who is leaving INCOG after five years to become a Planner at the City of Catoosa. Mr. Walker stated that Brad will be missed and the Planning Commission is thankful for all of his help in the past. Mr. Walker wished Mr. Bates good luck with the expectancy of a new baby soon. [Applause]

Director’s Report:

Ms. Miller stated that she was also going to mention Brad and he will be missed. Ms. Miller reported on the revised Zoning Code modules and schedule for the consultant. Ms. Miller indicated that she would like to hold a work session on the second meeting in January to discuss the work program for 2014. Ms. Miller stated that she will email some information to the TMAPC for some responses back by the end of the year to prepare for that meeting.

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Minutes:

Approval of the minutes of November 6, 2013 Meeting No. 2661

On **MOTION** of **EDWARDS** the TMAPC voted 7-0-0 (Carnes, Covey, Dix, Edwards Liotta, Perkins, Walker “aye”; no “nays”; none “abstaining”; Leighty, Midget, Shivel, Stirling “absent”) to **APPROVE** the minutes of the meeting of November 6, 2013, Meeting No. 2661.

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

CONSENT AGENDA

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

2. **Davis Village** - Final Plat, Location: North of East 91st Street South, east of South Mingo Road, (8418) (CD-7)

STAFF RECOMMENDATION:

This case is being removed from the consent agenda.

3. **PUD-659-4 – Roy D. Johnsen**, Location: West of southwest corner of South Utica Avenue and East 31st Street South, Requesting a **Minor Amendment** to reduce the building setback line along the east property line, **RS-3/PUD-659**, (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the building setback line along the east property line of Lots 1-7, Block 1 and Reserves A, B, & C, The Village on Utica from 45’ feet to 35’. The request would change the building setback for all the lots located within the platted subdivision.

This would be considered a Minor Amendment as outlined by the PUD Section of the City of Tulsa Zoning Code.

“Adjustment to internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

The requested amendment to the east building setback by including the entire subdivision would create harmony with any future development and would not be injurious to the adjacent properties in the area as this is a gated/private development. This request would not substantially alter the allocation of land to uses or the relationship to uses within the project.

All other standards of PUD-659, including other amendments would still apply unless mortified by this amendment.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-659-4 as noted above.

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

4. **PUD-385-6 – Crown Neon Signs**, Location: 1671 East 71st Street South, Requesting a **Minor Amendment** to allow an electronic message center within 200 feet of residentially zoned property, **CS/PUD-385**, (CD-2)

STAFF RECOMMENDATION:

This item is being removed from the consent agenda.

TMAPC COMMENTS:

Mr. Walker stated that Items 2 and 4 will be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Stirling "absent") to **APPROVE** the consent agenda Item 3, PUD-659-4 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

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

- 2. **Davis Village** - Final Plat, Location: North of East 91st Street South, east of South Mingo Road, (8418) (CD-7)

STAFF RECOMMENDATION:

This plat consists of one lot and one block on 19.16 acres.

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

Mrs. Fernandez stated that this item was removed from the consent agenda because of a letter received from Mr. Harjo asking why it is on the consent agenda. Mr. Harjo is a neighborhood representative and has been following this project. Mrs. Fernandez stated that all final plats are placed on the consent agenda, unless there is something very unusual about them. When the final plat is placed on the consent agenda, everything is in order and staff recommends approval.

Mrs. Fernandez stated that Mr. Harjo is concerned about issues that are addressed in the site plan. Some of the setbacks were changed during the detail site plan review and some other features as well. Mrs. Fernandez stated that the PUD standards are reviewed in the plat and they have not been changed to match up to the site plan and that is a little unusual, but everything is in order and staff recommends approval.

Mr. Walker stated that the only thing before the Planning Commission today is the final plat. Mrs. Fernandez answered affirmatively.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **APPROVE** of the final plat for Davis Village per staff recommendation.

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4. **PUD-385-6 – Crown Neon Signs**, Location: 1671 East 71st Street South, Requesting a **Minor Amendment** to allow an electronic message center within 200 feet of residentially zoned property, **CS/PUD-385**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a Minor Amendment to allow an electronic message center within 200 feet of residentially zoned property. The request is a follow up to a previously approved Board of Adjustment application for a variance to allow an electronic message center with 200 feet of a residentially zoned property. The Board Approved the variance request on October 23rd, 2012 with a vote of 4-0-0, finding that the residentially zoned property, which necessitated the variance, was in fact Joe Creek and is not used as residential and likely never will be.

This would be considered a Minor Amendment as outlined by the PUD Section of the City of Tulsa Zoning Code.

“Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered”

Although, the Board has already approved the electronic message center (EMC), the PUD did not allow EMC's within the planned unit development standards. The amendment is simply to affirm the decision made by the Board of Adjustment to allow this type of sign within the PUD.

The requested amendment has been determined to not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. This request would not substantially alter the approved signage

All other standards of PUD-385, including other amendments would still apply unless mortified by this amendment.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-385-6 as noted above.

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

INTERESTED PARTIES COMMENTS:

Jim Lowell, 1851 East 71st Street, 74136, stated that the sign is already installed, but not turned on at this time. Mr. Lowell expressed concerns that this would be a distraction to traffic and a distraction to his office. Mr.

Lowell fears that the applicant will come back again to increase the size of the sign.

Jearl Meeks, 1719 East 71st Street, 74136, stated that the proposed sign will be visible from his office and a distraction. Mr. Meeks compared the signage like one would find at a motel blinking when you are trying to sleep. Mr. Meeks expressed concerns with the distraction of the signage being a safety issue. Mr. Meeks stated that the sign will be visible from his office and the individual who is putting the sign up will never see the flashing signage or the distraction it causes. Mr. Meeks further stated that there are about 20 to 30 different offices in the office complex that will be directly affected by this sign.

TMAPC COMMENTS:

Mr. Walker asked Mr. Meeks if he lives on the corner. Mr. Meeks stated that he has an office on the subject corner. Mr. Meeks stated that they are all offices in the subject area.

Mr. Dix asked both interested parties for their hours of operation. Mr. Meeks stated that his office hours are 8:30 a.m. to 5:30 p.m. or until the work is completed. Mr. Lowell indicated that his hours of operation are 9:00 a.m. to 5:00 p.m. or until the work is completed. Mr. Dix stated that since these are offices with daytime working hours the analogy of the motel sign blinking when trying to sleep is a mute point and an exaggeration. Mr. Lowell stated that it is an exaggeration except there are many nights that he works past 5:00 p.m. and during the winter hours is already dark outside, then this sign is a distraction. Mr. Lowell explained that yesterday the condominium owners had a meeting regarding this proposal and they are opposed to it. Mr. Lowell stated that his office is not directly affected by the sign. Mr. Meek stated that he is located on the corner with windows on the west side and that will directly affect his office.

The applicant is not present.

Mr. Covey asked if the only reason this is before the Planning Commission is because the drainage area is zoned residential. Mr. Bates stated that that is his understanding because the Zoning Code requires that electronic message centers be spaced a certain distance from the residential district. Mr. Covey asked if this would be before the Planning Commission if the drainage area wasn't zoned residential. Mr. Bates stated that without knowing the exact distance across the drainage area it is possible that it could be within 200 feet to the RM district on the other side of the drainage area. Mr. Bates stated that the residential district is why the application is here. Mr. Bates further stated that they would have to amend the PUD to allow electronic message centers, depending on how the language was written. Mr. Bates stated that if this were straight zoning the applicant

could go and install the signage today as long as they meet their brightness.

Mr. Edwards stated that he understands that this has already been approved by the Board of Adjustment. Mr. Bates answered affirmatively. Mr. Edwards stated that he is not questioning the procedure, but it appears that the sign is already approved by the BOA. Mr. Bates stated that he believes that since the PUD didn't allow the electronic message center is why it is here today.

In response to Mr. Midget, Mr. Bates stated that he believes that this has been a practice by some of the local businesses and attorneys, is to go to the Board first because if the Board doesn't vary it there is no point in changing the PUD.

Mr. Carnes commented that he believes that the attorneys go the BOA so that they can take it to district court if the BOA denies their application.

Mr. Walker recognized Mr. Meeks.

Mr. Meeks stated that there are residences on the other side of the drainage channel and there are also residences to the south of the signage across 71st Street. Mr. Meeks believes that these homes are within the 200 feet.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **6-2-0** (Covey, Dix, Edwards, Liotta, Perkins, Walker "aye"; Carnes, Midget "nays"; none "abstaining"; Leighty, Stirling, Shivel "absent") to **APPROVE** the minor amendment for PUD-385-6 per staff recommendation.

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PUBLIC HEARINGS:

5. **LS-20659** (Lot-Split) (County) – Location: South of the Southwest corner of East 156th Street North and North Mingo Road

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. Both of the resulting tracts will exceed the Bulk and Area Requirements of the Tulsa County Zoning Code.

One of the resulting tracts will have more than three side lot lines as required by the *Subdivision Regulations*. The applicant is requesting a

waiver of the *Subdivision Regulations* that no tract has more than three side lot lines.

North Mingo Road is a Secondary Arterial; therefore the County Engineer made the requirement of a 50 foot easement for Right-of-Way from the Section line, less the Statutory Right-of-Way.

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; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20659 per staff recommendation.

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6. **Hendrix Properties** - Minor Subdivision Plat, Location: Northwest corner of South Garnett Road and East 101st Street South, (8419) (CD-7) **Strike from agenda so plat can be resubmitted.**

Stricken.

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7. **Crossbow Center** – Preliminary Plat, Location: Northwest corner of East 41st Street South and South Garnett Road, (9419) (CD-6)

STAFF RECOMMENDATION:

This plat consists of 8 Lots, 1 Block, on 17.77 acres.

The following issues were discussed November 21, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 801. PUD standards must be met. The project is to renovate an existing shopping center.

2. **Streets:** Provide additional 8 foot right-of-way for right turn lane along Garnett for a distance of 388 feet from center line of 41st Street. Label Reserve A as Mutual Access Easement or Private Street. If it is going to be private street then call out name of street. Sidewalk easement must be provided along Reserve area in a separate easement. Provide right-of-way reference such as plat number or book/page number along Garnett and 41st Street. Corner clip should be 42.42 feet. Use standard sidewalk language. Sidewalks must be provided along reserve areas as well, not just streets.
3. **Sewer:** Unless there is an existing easement along the west boundary of the plat, the proposed 11 foot utility easement must be increased to a 17.5 foot utility easement. If there is an existing easement it must be shown and properly identified. Provide a 15 foot sanitary sewer easement with the pipe centered within the easement, where the proposed sewer line exits the utility easement in Lots 7 and 8. Provide the document number for the existing 15 foot utility easement, where the existing sewer line crosses lots 2 through 6. Provide distances and bearings for easements that are not adjacent to property lines. In Section II – A. Reserve Area A include Utilities for uses allowed within the Reserve. As currently written, it only allows the utility to use the Reserve to access other easement areas. Additional easement required for the proposed sanitary sewer extension.
4. **Water:** Show the limits of the proposed vacated restricted waterline easement on Lot 2. Label the RWE (restricted waterline easement) easements between lots 2 and 3 and across lot 3. Show book and page of RWE across lot 3. IDP (infrastructure development plan) for re-routing waterline between lots 2 and 3. Along the north property line some of the meters are not in easements. Expand the easement or relocate the meters.
5. **Storm Drainage:** Floodplain is present along the north property line and will need to be placed in an overland drainage easement. Add overland drainage easement language.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO needs overhead line facility accommodation.
7. **Other: Fire:** A fire hydrant will be required within 400 feet of any part of the building if non-sprinkled and within 600 feet if sprinkled. If structure is over 30 feet in height from fire department access then aerial access is required per IFC 2009 Appendix D105. Need 28 foot minimum inside radius on all corners of the fire department access roads.
8. **Other: GIS:** Provide e-mail address for the surveyor/engineer and license which is shown to be expired. Identify the basis of bearing. Correct legal description. Address lots.

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; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel Stirling "absent") to **APPROVE** the preliminary plat for Crossbow Center per staff recommendation, subject to special conditions and standard conditions.

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8. **PUD 196 A** - Plat Waiver, South of southwest corner of South Memorial Drive and East 71st Street South, (1183) (CD-8)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a PUD Major Amendment for a new tire store use.

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

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

STREETS: No mutual access easements are provided. Therefore no legal access to the site is shown. Sidewalks required along Memorial. Mutual access easements need to be expanded and rededicated.

SEWER: The proposed project site does not appear to abut either the sanitary sewer main, or the water main. Therefore, mainline extensions, along with their associated easements, are required to provide service access to the proposed development.

WATER: The existing 8 inch main line running east and west inside the 20 foot restricted waterline easement shown on the north side of the tract is not shown.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: Easements may need to be rededicated and made public.

Staff recommends **APPROVAL** of the plat waiver for the platted property. *All of the conditions of the plat waiver below have been met and Development Services staff has released the plat waiver.*

Mutual access easements need to be expanded and rededicated and filed by separate instrument. Utility easements need to be expanded and made public and filed by separate instrument. These items need to be approved through Development Services before a recommendation for APPROVAL will be stated.

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

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

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

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

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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel Stirling "absent") to **APPROVE** the plat waiver for PUD-196-A per staff recommendation.

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9. **PUD-636-B/Z-5457-SP-4 – Lou Reynolds**, Location: North of the northwest corner of West 81st Street and Highway 75, Requesting a **Major Amendment/Corridor Development Plan** to permit approximately 2.3 acres of Development Area E to be used for commercial development in addition to multifamily purposes, **CO/PUD-636 TO CO/PUD-636-B**, (CD-2)

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-A/ Z-5457-SP-3 November 6, 2013: Staff and TMAPC concurred in approval of a proposed Major Amendment to PUD on a 6± acre tract of land for a commercial development, called The Main Event, on property located north of northwest corner of West 81st Street and U.S. Highway 75. The file has not been heard by City Council for final action.

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 2± acres in size and is located north of northwest corner of West 81st Street and 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 multifamily residential project, zoned CO; on the south by multifamily, 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. The scale of this particular project is not necessarily a regional scale however it is an appropriate use on a small parcel of property that was developed prior to the Comprehensive Plan.

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 and seems to provide a rural character to the site development plan which is contemplated in the West Highlands Small Area Plan. 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.

APPLICANTS CONCEPT STATEMENT:

The purposes of PUD Major Amendment No. 636-B (“PUD-636-B”) and Corridor Plan Major Amendment No. Z-5457-SP-4 (“Corridor District Site Plan”) are to permit approximately 2.3 Acres of Development Area “E” to be used, in addition to multi-family purposes, for commercial purposes (the “Project”).

The Conceptual Site Plan for PUD 636-B and Corridor District Site Plan Z-5457-SP-4 is attached hereto Exhibit “A”.

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

The project will provide a 6 foot wooden or masonry fence along the North Boundary. The East, South and West boundaries will not be screened.

There will be no direct vehicular connection between the Nickel Creek Apartments and the Project. The Project will have one (1) access point 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 provided by the infrastructure development team.

A copy of the Topography and Drainage Concept for the Project is attached hereto as Exhibit “E” attached hereto.

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

A map of the location of the Project is shown on Exhibit “I”.

Because the underlying zoning of the Property is CO-Corridor District, 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 proposed the following additional Development Standards for the commercial use of the Project.

DEVELOPMENT STANDARDS PUD 636-B / Z-5457-SP-4: (Part of Development Area “E”)

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

GROSS LAND AREA: 2.3 AC

ADDITIONAL PERMITTED USES:

As permitted by right within a CS – Commercial Shopping Center District., excluding Use Unit 12a

MAXIMUM BUILDING FLOOR AREA: 20,000 SF

MAXIMUM FLOOR AREA RATIO PER LOT: .25

MAXIMUM BUILDING HEIGHT: 35 FT

Unoccupied architectural features not to exceed 40 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	55 FT
From the North boundary	10 FT
From the West boundary	50 FT
From the East boundary	50 FT

MINIMUM PARKING SETBACK:

From the North boundary	10 FT
From the West boundary	25 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:

One (1) ground sign on South Santa Fe West Avenue. Such ground sign shall not exceed 25 FT and 100 SF in surface display area.

WALL SIGNS:

- A. Wall signs facing east along the US Highway 75 frontage shall be permitted however that sign shall not exceed 3 square feet of display surface area per linear foot of building wall to which attached. All other wall signs shall be permitted not to exceed 2 square feet of display surface area per linear foot of building wall to which attached. The length of the Building wall signs shall not exceed 75% of the wall to which the sign is affixed.
- B. Wall signs shall be prohibited on the North facing building wall.

LIGHTING:

All building mounted lighting shall be shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in 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 Northerly or Westerly 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 frame 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, except an MRI mobile unit/parked on the north side behind the building. 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 25 foot landscape buffer separating the West boundary of the parking area from the multifamily neighborhood to the West, and a minimum of 10 foot landscape buffer separating the north boundary of the parking area from the stormwater detention facility to the North. These landscape boundaries will be densely landscaped with a mix of shrubs and evergreen trees similar to the concept shown on the Landscape and Screening Concept attached hereto as Exhibit "C".

A six-foot wood or masonry screening fence shall be installed between the north edge of any surface parking and the property line. The exact location and design will be defined during the site plan review process. The general concept is illustrated on Exhibit "C".

ACCESS AND CIRCULATION:

The Project will have **one** (1) vehicular access point 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 2 bicycles near the front entrance of the building.

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-B as outlined in the Applicants Statement, Development Standards and exhibits referenced above.

TMAPC COMMENTS:

Mr. Perkins asked staff where the MRI mobile unit would be parked on the subject property. Mr. Wilkerson suggested Mr. Reynolds could answer this question.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the MRI mobile unit would be parked behind the building and 150 or 200 feet from the nearest apartment. It will be hard for anyone to see.

Mr. Perkins stated that it is not spelled out in the PUD standards so the mobile unit could be parked anywhere they would like. Mr. Reynolds stated that the Planning Commission could provide language in their approval to specify where it can be parked or written in the document.

Mr. Midget out at 2:05 p.m.

Mr. Reynolds stated that he is in agreement with the staff recommendation with the modification for the MRI mobile unit.

Mr. Walker asked Mr. Reynolds if he had a discussion with the apartment complex regarding this use. In response Mr. Reynolds stated that he did. Mr. Reynolds further stated that there is a dog park nearby so it is a good location for this use.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Stirling "absent") to recommend **APPROVAL** of the major amendment/corridor development plan for PUD-636-B/Z-5457-SP-4 per staff recommendation and modified by the applicant. (Language underlined has been added and language with a strike-through has been deleted.)

* * * * *

Mr. Walker stated that Items 10 and 11 have requested a continuance to December 18, 2013.

Mr. Midget in at 2:11 p.m.

- 10. **Z-7246 – Khoury Engineering, Inc.**, Location: East side of South Memorial Drive at East 87th Court, Requesting rezoning from **OL to CS**, (CD-7) (Related to PUD-805)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **CONTINUE** the Z-7246 to December 18, 2013.

- 11. **PUD-805 – Khoury Engineering, Inc.**, Location: East side of South Memorial Drive at East 87th Court, Requesting a **PUD** for proposed mixed use development, 5,200 square feet of an automatic tunnel car wash in Development Area A and 6,000 square feet of office building in Development Area B, **OL to CS/PUD**, (CD-7) (Related to Z-7246)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **CONTINUE** PUD-805 to December 18, 2013.

* * * * *

12. PUD-628-C/Z-6467-SP-7 – Andrew A. Shank, Location: East side of South Mingo Road at East 93rd Street, Requesting a **Major Amendment/Corridor Development Plan, (CD-7) (Staff is requesting a continuance to 12/18/13.)**

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **CONTINUE** the major amendment/corridor development plan for PUD-628-C/Z-6467-SP-7 to December 18, 2013.

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OTHER BUSINESS

13. Commissioners' Comments: Mr. Walker thanked Mr. Bates for his years of service and requested that he keep in touch.

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TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Stirling "absent") to **ADJOURN** TMAPC meeting No. 2663.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:12 p.m.

Date Approved:

12-17-15

John J. Weh

Chairman

ATTEST:


Secretary