

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2667

Wednesday, February 5, 2014, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Carnes	Fernandez	Duke, COT
Dix	Edwards	Huntsinger	VanValkenburgh, Legal
Liotta	Perkins	Miller	
Midget		White	
Shivel		Wilkerson	
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 16, 2014 at 1:55 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 Covey called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Work Session Report:**

Mr. Covey reported that there will be a work session following the February 19<sup>th</sup> meeting.

#### **Director's Report:**

Ms. Miller reported on the TMAPC receipts for the month of December 2013. Ms. Miller further reported that the receipts for December 2013 are better than December 2012.

Ms. Miller reported on the BOCC and City Council agendas. Ms. Miller further reported that the City Council sent the 6<sup>th</sup> Street Infill Amendments back to the TMAPC with a few suggested modifications and this item will be on the February 19<sup>th</sup> meeting.

Ms. Miller stated that before the regular TMAPC meeting on February 19<sup>th</sup>, there will be a work session on the Tulsa Hills Small Area Plan and the presentation for Robert's Rules of Order.

## 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.

1. **LC-555** (Lot-Combination) (CD-1) – Location: East of the Northeast corner of East 51<sup>st</sup> Place North and North Rockford Avenue
2. **LS-20674** (Lot-Split) (CD-2) – Location: Northeast corner of West 78<sup>th</sup> Street South and South 24<sup>th</sup> West Avenue
3. **Change of Access –** Location: Northwest corner of East 31<sup>st</sup> Street South and South Garnett Road (CD-6)

### **STAFF RECOMMENDATION:**

This application is made to allow a change of access to add one access along East 31<sup>st</sup> Street South. The property is zoned CS (Commercial Shopping).

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

4. **PUD-798 – AAB Engineering, LLC/Alan Betchan** – Location: Approximately ¼ mile south of the southeast corner of South Harvard Avenue at East 41<sup>st</sup> Street South, Requesting a **Detail Site Plan** approval for a new office building, (CD-9)

Remove Item 4 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 **WALKER**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **APPROVE** the consent agenda Items 1 through 3 per staff recommendation.

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

## **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

4. **PUD-798 – AAB Engineering, LLC/Alan Betchan** – Location: Approximately ¼ mile south of the southeast corner of South Harvard Avenue at East 41<sup>st</sup> Street South, Requesting a **Detail Site Plan** approval for a new office building, (CD-9)

### **STAFF RECOMMENDATION:**

#### **CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for a new office building. The proposed development is located in PUD 798 for this facility.

#### **PERMITTED USES:**

Allowed uses are principal and accessory Use Units 1 (Area Wide Uses by Right), 10 (Off-Street Parking) and 11 (Offices, Studio and Support Services). Any additional uses will require an amendment to the PUD. This project is classified as a Use Unit 11 (Offices, Studio and Support Services)

#### **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 meets or exceeds the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development. Access to South Harvard Ave from Lot 2 of the site plan will be provided through a mutual access agreement as defined in the PUD.

#### **LIGHTING:**

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

#### **SIGNAGE:**

The site plan does not illustrate ground, or wall sign locations which require a separate permit. All signage will meet the PUD Development Standards through a separate development process.

Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit.

**SITE SCREENING AND LANDSCAPING:**

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

At this time there is no dumpster or dumpster screening proposed for this project. Future dumpster provisions will require a Minor Revision to the Detailed Site Plan.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Sidewalk improvements including connectivity to the building will be included along South Harvard Avenue. The site plan displays adequate pedestrian circulation interior to the development.

**MISCELLANEOUS SITE CONSIDERATIONS:**

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

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-798**. The site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD, and the stated purposes of the Planned Unit Development Section of the Zoning Code.

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

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

**INTERESTED PARTIES COMMENTS:**

**Toni Graber**, 4562 South Jamestown, 74135, Patrick Henry Neighborhood Association, stated that she is disappointed that the developer didn't contact the neighborhood association before today's meeting. Ms. Graber expressed concerns about the water runoff coming onto the neighboring properties too forceful and causing erosion. She requested that the water be dispersed in some fashion to prevent the

erosion. Ms. Graber stated that she understands that the subject site meets all of the requirements, but would like the water dispelled in some way to prevent the water eroding the neighbor's property.

**Applicant's Comments:**

**Alan Betchan**, AAB Engineering, 17 East 2<sup>nd</sup> Street, Sand Springs, 74063, stated that is the southeast corner that Ms. Graber is referring to. It is a parking lot detention near the rear of the subject property. Mr. Betchan further stated that he has talked with the City of Tulsa about putting erosion control mats that have been used with better success and isn't an eyesore for maintaining. Mr. Betchan explained that this will be included in the final IDP Plans that were sent to the City today. It isn't really a site plan issue it is a civil plan, but he will add it to the site plan.

Mr. Midget asked if he understood that Mr. Betchan is willing to install a type of device that is easier to maintain and esthetically pleasing. Mr. Betchan answered affirmatively. Mr. Betchan explained that he has good luck with an erosion mat product that is geo-tech style that lays in and seeded so that grass grows up through it. Mr. Betchan stated that this is a green product and performs better than rip rap, which usually washes away eventually and is not esthetically pleasing. Mr. Betchan commented that he has been in a lot of reviews with the City on this site. The water is being directed more subtle than toward Mr. Pratt's property and there will be a masonry screening fence along the east and from a practical standpoint there will not be blowout shooting onto Mr. Pratt's property because of the wall.

In response to Mr. Dix, Mr. Betchan stated that there will be a swale and a decent amount of drainage is coming from the north so when it all joins up and leaves with the erosion control mat coming in it will keep the scour from being a problem, which he believes is the immediate issue. Anytime water leaves a parking lot and it isn't discharged into a storm sewer it is always moving faster and more concentrated than it was before and this has been the best solutions he had and the mats have been used consistently if there is no storm sewer to tie into. Mr. Betchan stated that he used the same product at outlets from a main storm sewer into a channel. Mr. Dix stated that it sounds like the situation is being addressed, but he doesn't want the homeowners association to have to come back and try and get somebody to fix something. Mr. Dix indicated that in his motion to approve the detail site plan he is going to make it subject to the HOA's or neighbors to approve what Mr. Betchan plans to do to alleviate the situation. Mr. Covey questioned if it is appropriate to have this condition in the site plan. Mr. Betchan stated that this is usually handled in the IDP process, which he is in with the City of Tulsa and under review. Ms. VanValkenburgh stated that the City of Tulsa approves the infrastructure development and it would be a little dangerous for the

TMAPC to get involved in the infrastructure development and approve something opposite of what the City may not allow or agree to. Mr. Betchan stated that there is a City of Tulsa approved set of plans that have to be approved before construction.

**Doug Duke**, Senior Engineer, City of Tulsa Development Services, stated that the subject project will have to meet the City of Tulsa's requirements regarding drainage and runoff. Mr. Duke requested that the Planning Commission trust his department to resolve this issue.

Mr. Dix asked Ms. Graber if this would satisfy her. Ms. Graber stated she is concerned about the flow and drainage issues. There are no curbs or sewers in the subject area. Ms. Graber commented that she understands that once she comes to the Planning Commission and makes this request that it is on the record. Ms. Graber stated that if the proposed erosion mats truly work than it would be okay. Ms. Graber requested that the developer and the TMAPC get with her neighborhood beforehand so things can be worked out.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **APPROVE** the detail site plan for PUD-798 per staff recommendation.

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**COMPREHENSIVE PLAN PUBLIC HEARINGS:**

- 5. **CPA-25** - Consider adoption of an amendment to the Land Use Map and Areas of Stability and Growth Map in the Tulsa Comprehensive Plan. Resolution No. 2667:916, (CD-3) (Related to Item 6)

**STAFF RECOMMENDATION:**

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT  
REQUEST**

Airports (CPA-25)

**I. PROPERTY INFORMATION AND LAND USE REQUEST**

Existing Land Use: <i>Open Space</i>	Existing Areas of Stability/Growth designation: <i>Area of Stability</i>
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<b>Proposed Land Use:</b> <i>Employment</i>	<b>Proposed Areas of Stability/Growth designation:</b> <i>Area of Growth</i>
<b>Location:</b> Southeast corner of S. Memorial Drive and E. Pine Street	
<b>Size:</b> approx. 3.52 acres	
<b>Staff Recommendation: Approval</b>	

### A. Background

The requested land use amendment is concurrent with rezoning application Z-7252. This staff report provides a summary of the request and staff recommendation.

The 3.52 acre subject site is part of a larger tract owned by the City of Tulsa and falls within the airport's property jurisdiction for aviation development. There have been no previous approvals for this site.

When the City of Tulsa Comprehensive Plan was developed and adopted in 2010, this area was designated as an *Area of Stability*. This designation was assigned to this area in conjunction with the *Open Space* land use designation. *Open Space* land use designations were typically assigned to parcels of land based on some environmental consideration. The subject site is partially located within the FEMA and City of Tulsa regulatory flood plain. The area directly to the south of the subject site is also partially flood plain and designated *Open Space*. The area to the east of Highway 11 is also designated *Open Space*, but was done so based on reasons related to its proximity to the airport.

### B. Amendment requests

The applicant is proposing to amend the land use designation on the site to *Employment*.

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

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is

necessary when employment districts are near other districts that include moderate residential use.”

The applicant is also proposing to amend the Areas of Stability and Growth designation to an *Area of Growth*.

“The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

**C. Zoning and Surrounding Uses:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Designations</b>	<b>Existing Use</b>
North	RS-3	<i>Employment &amp; Area of Growth</i>	East Pine Street r-o-w, vacant land
South	AG	<i>Open Space &amp; Area of Stability</i>	vacant land
East	RS-3	<i>Open Space &amp; Area of Stability</i>	Highway 11, then vacant land
West	CS	<i>Town Center &amp; Area of Growth</i>	UAW Building Corp., Local Union No. 952

**D. Applicant’s Justification:**

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



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

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

*“Changing the parcel use from Open Space to Employment and rezoning from AG to CS will allow the parcel to be used in a manner that is compatible and consistent with the adjacent development.*

*The airport intends to pursue development, such as a convenience store, that will provide services to existing customer traffic that is utilizing the airport as well as be a benefit to the employees and residents of the surrounding area. At the present time, there are very few opportunities for airport users, especially those unfamiliar with Tulsa, to access such services in the immediate vicinity of the main airport terminal complex.”*

#### **E. Staff Response:**

Conditions relating to the subject site have not changed since the adoption of the Tulsa Comprehensive Plan in 2010; however, an *Open Space* land use and *Area of Stability* designation may not have been appropriate for the entirety of the City of Tulsa holdings in this area. The 2000 Tulsa International Airport Master Plan called for development supporting airport operations in the area south of the airport.

The proposed amendment from *Open Space* to *Employment* will contribute to the surrounding area by providing ancillary commercial opportunities adjacent to the airport where they do not currently exist.

## **II. STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the amendment to *Employment* and *Area of Growth*.

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION, PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; AMENDING THE TULSA COMPREHENSIVE PLAN BY ADOPTING AN AMENDMENT TO THE LAND USE MAP OF THE TULSA COMPREHENSIVE PLAN.

WHEREAS, the Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to ensure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

WHEREAS, pursuant to Title 19 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 29th of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law, and which has been subsequently amended; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 6th of July 2010, adopt an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area, which pertains only to those areas within the incorporated City limits of the City of Tulsa, known as the Tulsa Comprehensive Plan, which was subsequently approved by the Tulsa City Council on the 22<sup>nd</sup> of July 2010, all according to law, and which has been subsequently amended; and

WHEREAS, a public hearing was held on February 5, 2014 in Case No. CPA-25 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19 Oklahoma Statutes, Section 863.7, to adopt an amendment to the Land Use Map and the Areas of Stability and Growth Map of the Tulsa Comprehensive Plan, as hereafter described.

WHEREAS the designation on the Land Use Map and the Areas of Stability and Growth Map of a tract of land approximately

3.52 acres in size located at the southeast corner of E. Pine Street and N. Memorial Drive should be changed from *Open Space* to *Employment* (Land Use Map), and from *Area of Stability* to *Area of Growth* (Areas of Stability and Growth Map).

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the Tulsa Comprehensive Plan, as adopted by the Tulsa Metropolitan Area Planning Commission on July 6, 2010 and as amended from time to time, shall be and is hereby amended, to amend the Land Use Map and the Areas of Stability and Growth Map of the Tulsa Comprehensive Plan of approximately 3.52 acres at the southeast corner of E. Pine Street and N. Memorial Drive, as depicted on the attached maps, to *Employment* (Land Use Map) and an *Area of Growth* (Areas of Stability and Growth Map).

Section 2. That a true and correct copy of the Land Use Map and Areas of Stability and Growth Map, showing the amendment, is attached to this Resolution.

Section 3. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 4. That upon approval by the Tulsa City Council, or should the City Council fail to act upon this amendment to the Tulsa Comprehensive Plan within forty-five (45) days of its submission, it shall be deemed approved with the status of an official plan and immediately have full force and effect.

ADOPTED on this 5th day of February, 2014, by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its *ex officio* members.

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Michael Covey, Chairman  
Tulsa Metropolitan Area Planning

Commission  
ATTEST:

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Ryon Stirling, Secretary  
Tulsa Metropolitan Area Planning Commission

**TMAPC COMMENTS:**

Mr. Liotta if the airport sound is considered when looking at development. Ms. Miller stated that she doesn't know what they looked at when they gave this plan designation, but typically sound is considered when developing around an airport, especially for future residential development. Ms. Miller indicated that this development will not be residential but some sort of convenience store use.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to recommend **APPROVAL** of CPA-25 adopting an amendment to the Land Use Map and Areas of Stability and Growth Map in the Tulsa Comprehensive Plan, Resolution No. 2667:916 per staff recommendation.

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**PUBLIC HEARINGS:**

6. **Z-7252 – Tulsa Airport Improvement Trust (TAIT)/Mike Kerr**, Location: Southeast corner of East Pine Street and North Memorial Drive, Requesting a rezoning from **AG to CS**, (CD-3) (Related to Item 5)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11910 dated June 26 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7234 June 2013:** The applicant withdrew the application, for a request for rezoning a 35± acre tract of land from AG to CS for outdoor advertising sign use, on property located south of southeast corner of North Memorial Drive and East Pine Street, between North Memorial Avenue and Highway 11; and is also *a part of the subject property.*

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 3.5± acres in size and is located on the southeast corner of North Memorial Drive and

East Pine Street. The property appears to be vacant and is zoned AG. The property is partially included in a FEMA flood plain however the applicant has mentioned that this site may be removed from the flood plain with further study reflecting downstream improvements north of Pine.

**SURROUNDING AREA:** The subject tract is abutted on the east by Highway 11, zoned AG/ RS-3; on the north by vacant land across East Pine Street, zoned RS-3; on the south by vacant property, zoned AG; and on the west by a 5 acre commercial corner, zoned CS.

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

**TRANSPORTATION VISION:** The Comprehensive Plan designates North Memorial Drive as a Commuter Corridor. The most widespread commercial street type is the strip commercial arterial, these arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

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

***Staff Comment:** Staff does not anticipate street improvements in the North Memorial Drive right-of-way to support this site. The site development should not create significant obstacles to future transportation vision at this location. Platting requirements resulting from the rezoning request will include street right-of-way dedication to the ultimate right-of-way defined in the Major Street and Highway Plan and will require sidewalk construction along the arterial streets.*

The Comprehensive Plan designates East Pine Street as a Multi Modal street. Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-

modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

*Staff Comment: Staff does not anticipate infrastructure improvements in the East Pine Street right-of-way to support this site. The site development should not create significant obstacles to future transportation vision at this location. Platting requirements resulting from the rezoning request will include street right-of-way dedication to the ultimate right-of-way defined in the Major Street and Highway Plan and will require sidewalk construction along the arterial streets.*

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Memorial Drive	Secondary Arterial Commuter Corridor	100 feet	4+
East Pine Street	Secondary Arterial Multi Modal	100 feet	4+

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The site is currently shown as *Open Space* in the Comprehensive Plan on the Land Use Map and as an *Area of Stability* on the Areas of Stability and Growth Map.

Concurrent with this zoning request the applicant has requested a Comprehensive Plan revision to modify the Land Use Designation to represent this area as an *Employment* area and to change the Areas of Stability and Growth Map to an *Area of Growth*.

Staff Comment: This property is owned by the City of Tulsa and managed by the Tulsa Airport Authority. Staff supports the plan and zoning revisions to be consistent with the vision of the Tulsa International Airport Master Plan prepared in 2000 at this location. The master plan illustrates this area as a Special District. This Designation implies that the area is to be developed utilizing

specific guidelines. The guidelines developed for this special district recommend development into an airport related office/commercial complex.

**STAFF RECOMMENDATION:**

Rezoning from AG to CS will allow the parcel to be used in a manner that is compatible and consistent with the vision identified in the Tulsa International Airport Master Plan prepared in 2000.

The rezoning request at this corner is consistent the expected development opportunities at the intersection of most Secondary Arterial Street intersections in Tulsa.

Future development south of this site is anticipated to be some form of Airport related to office and commercial use. Consideration of future development south of this site should include Planned Unit Development overlay to ensure compatibility with the single family neighborhood west of Memorial and to enhance the visual corridor along Highway 11 leading to the airport.

Therefore **Staff recommends approval** of Z-7252 for the requested rezoning from AG to CS.

**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 **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to recommend **APPROVAL** of the CS zoning for Z-7252 per staff recommendation.

**Legal Description for Z-7252:**

A tract of Land located in the Northwest Quarter of the Northwest Quarter of Section 36, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Northwest corner; Thence S01°19'44"E 85.662 feet to a point; Thence S89°05'17"E 94.867 feet to the "Point of Beginning"; Thence S89°05'17"E 197.418 feet to a point; Thence S18°30'12"E 568.685 feet to a point; Thence S88°49'12"W 367.261 feet to a point; Thence N01°07'04"W 543.815 feet to back to the "Point of Beginning. Said tract containing 3.5213 acres more or less.

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7. **Tulsa Renal - Preliminary Plat, Location:** East of southeast corner of East 21<sup>st</sup> Street South and South Memorial Drive (9313) (CD-5)

**STAFF RECOMMENDATION:**

This plat consists of 2 Lots, 1 Block, on 4.25 acres.

The following issues were discussed January 16, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned OL (office light). There is a request for an accelerated building permit following this item in the same agenda.
2. **Streets:** Provide reference for right-of-way on all streets such as plat # or book/page #. Provide 25 foot corner radius at intersection of 21<sup>st</sup> Street with 85<sup>th</sup> East Avenue and 87<sup>th</sup> East Avenue. Modify sidewalk language to say "along all streets" instead of naming streets. Why is the east driveway handicap ramp on 21<sup>st</sup> Street skewed at an angle? It should match the west ramp.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Runoff crossing lot lines and entering from adjacent properties is public and must be collected and conveyed across the property requiring the appropriate easement. The swale across the front appears to convey public water and must also be placed in an overland drainage easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Basis of Bearing should not be assumed since the basis of bearing is the line between two known monuments or corners which serve as the reference line with which the survey is based, need e-mail address for surveyor, remove contours from plat, legal description needs to be a metes and bounds description of the plat with point of commencement and point of beginning, label all subdivisions in location map, identify unplatted areas, move street text so it does not overstrike the bearing on east property line. Submit subdivision data control sheet.



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

**Waivers of Subdivision Regulations:**

1. 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.

**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 **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **APPROVE** the preliminary plat for Tulsa Renal per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

8. **Tulsa Renal** – Authorization for **Accelerated** Release of Building Permit, Location: East of southeast corner of East 21<sup>st</sup> Street South and South Memorial Drive (9313) (CD-5)

**STAFF RECOMMENDATION:**

The property is zoned OL (office light). Full permits are requested. A preliminary subdivision plat is an item for consideration on the same agenda.

Review of this application must focus on the extraordinary or exceptional circumstances that extend the normal processing schedule and on the benefits and protections to the City that may be forfeited by releasing the Building Permit prior to filing of the final plat and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Construction sequence and timing, draft final will be filed for review before TAC review of accelerated release. Accelerates jobs and completion of a significant project withholding occupancy permit provides assurance that platting will be completed.

**The following information was provided by the Technical Advisory Committee in its meeting August 16, 2012.**

**ZONING:** TMAPC Staff: Full permits are requested.

**STREETS:** Transportation: Increase corner clip at 81<sup>st</sup> and Mingo to 42.43 feet or 30-foot radius.

**SEWER:** Public Works, Waste Water: No comments.

**WATER:** Public Works, Water: No comments.

**STORM DRAIN:** Public Works, Storm Water: No comments.

**FIRE:** Public Works, Fire: No comments.

**UTILITIES:** Franchise Utilities: No comments.

**The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon “the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat”. These requested permits could adhere to this ideal.**

**The TAC (Technical Advisory Committee) did not object to the accelerated building permit.**

**Applicant’s Comments:**

**Jim Beach**, Wallace Engineering, 200 East Brady, 74103, stated that he would like to submit his client’s rationale for the accelerated release (Exhibit A-1). Mr. Beach cited the need for the facility, which is the fourth facility for this company. He explained that his client would like to start construction in early April and have the facility operational by next winter. Mr. Beach stated that if his client has to wait for the plat, then it would delay this project by two to three months from now and delays the opening until early next year. The City of Tulsa is protected by holding the certificate of occupancy until the plat is filed. Mr. Beach requested that this be granted.

**TMAPC COMMENTS:**

Mr. Walker stated that he recognizes the need, but has the City or County recognized this void or gap of coverage for this type of facility. Mr. Beach stated that he doesn’t have any data on that per se. Mr. Beach further stated that Luke Peters is present and he could fill in some detail on operations.

**Luke Peters**, PCI | Healthdev Pre-Development Project Manager, 8117 Preston Rd, Suite 400, Dallas, Texas 75225, stated that this is not a recognize deficit per se on the City or State level. Mr. Luke further stated that the University of Oklahoma of Tulsa is going to be the training center and the doctors are coming from St. Johns as well. Mr. Peters cited how the facilities are managed and the patient load, time of visit, and how far patients have to drive for the treatment. Facility locations are chosen by where the patients are located and help to reduce their travel time. Mr. Walker stated that if the applicant is supposed to provide a hardship, there needs to be some validation of the need.

Mr. Covey asked if this would be a privately owned facility. In response, Mr. Peters answered affirmatively. Mr. Covey asked if it is for profit or non-profit. Mr. Peters stated that it is for profit.

Mr. Midget stated that he understands that the facility is needed and our staff had no problem with the accelerated release and he has no problem with it.

Mr. Midget moved to approve the request. Mr. Walker seconded.

Mr. Liotta stated that the placement of the subject facility makes a lot of sense for people in North Tulsa County and East Tulsa County. This location will prevent patients from having to drive across town for treatment. Mr. Liotta indicated that he would be supporting this application.

Mr. Dix stated that he doesn't see a compelling reason or demand for the accelerated release. (Inaudible.)

Mrs. Fernandez cautioned the TMAPC about using the term "hardship" because that is a term for Board of Adjustment. There is no hardship necessarily required for these, but should be looking at the risk for the City versus helping economic development. Mrs. Fernandez stated that the City shouldn't be hanging with something that might go bankrupt and never be completed.

In response to Mr. Covey, Mrs. Fernandez stated that there will probably be more requests like this in the near future because development is starting to get busier. Mrs. Fernandez indicated that there is one more request coming very soon. Mrs. Fernandez gave examples of requests that have been approved and have been denied in the past.

In response to Mr. Covey, Mrs. Fernandez stated that staff doesn't see any red flags on this request and this is a policy question at this point.

**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 **MIDGET**, TMAPC voted **5-2-0** (Liotta, Midget, Shivel, Stirling, Walker "aye"; Covey, Dix "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to recommend **APPROVAL** of the accelerated release of building permit for Tulsa Renal.

\* \* \* \* \*

9. **PUD-757-1 – Wallace Engineering/Jim Beach** – Location: West side of South Norfolk Avenue where it dead ends at the Broken Arrow Expressway, Requesting a **Minor Amendment** to add a single-family use and refine the building height restrictions for a single-family use, (CD-4)

**STAFF RECOMMENDATION:**

Amendment Request #1: The underlying zoning for this parcel is RT which allows single family residential use by right however PUD 757 approved in 2008 only allowed Use Unit 7a (Townhouse Dwellings). The applicant is requesting a minor amendment to also allow Use Unit 6 (Single Family Dwellings)

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1007.H.15 PUD Section of the City of Tulsa Zoning Code as outlined below:*

*“Changes an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.”*

Amendment Request #2: The original PUD limited building height to 35 feet however there was no reference to architectural elements such as chimneys, rooftop pergolas or other unenclosed architectural elements.

The original PUD 757 does not provide architectural guidelines therefore it is possible to construct a 35 foot flat structure with architectural elements exceeding that height but in no instance will any architectural element exceed 45 feet above the finished floor elevation of the structure.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1007.H.9 PUD Section of the City of Tulsa Zoning Code.*

*“Changes in structure heights, building setbacks, yards open space, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”*

Staff has reviewed both request and determined:

Minor Amendment Request #1

- 1) Single family residential use is not injurious to the neighborhood and is consistent with the underlying zoning pattern in this location.
- 2) All development standards defined in PUD 757 shall remain in effect.

Minor Amendment Request #2

- 1) The original intent of PUD 757 was to limit structure height to 35 feet. The building height was a significant point of discussion through the entire PUD process. Staff contends that the presentation in the original PUD illustrated building concepts that did not show any architectural element or roof height above the 35 foot height requirement.
- 2) With this amendment the intended use for this site may reduce the development density from a townhome style development to single family residential development however the building height is still an important component of the PUD development standards. Staff contends that the building height should be limited to 35 feet with no architectural elements extending past that height limit.

Therefore staff recommends **APPROVAL of Minor Amendment #1** to allow USE UNIT 6 (Single Family Dwelling) and further recommends **DENIAL of Amendment #2** the request to allow architectural elements above the 35-foot structure limitation.

**Applicant’s Comments:**

**Jim Beach**, Wallace Engineering, 200 East Brady, 74103, stated that there are two requests before the Planning Commission today. Mr. Beach indicated that the original PUD would allow five townhomes at 35 feet in height on the subject site. Mr. Beach stated that the request is to abandon the townhouse plan and build three single-family homes. The density is being reduced and the massing on the property is considerably less than

original proposal. Mr. Beach explained that his client would like to build the houses to the 35-foot standard and allowed to have an open-air patio on the roof. Mr. Beach submitted a photograph of the concept, but not exactly what the applicant is intending to build (Exhibit B-1). Mr. Beach stated that the additional height is very important, but he would like the two requests to be separated in the TMAPC's consideration.

Mr. Beach stated that the picture conveys the character of the proposal. There would be a deck for outdoor seating, canopy cover that is opened on all sides. Mr. Beach concluded and requested that the single-family use be approved and the additional height be allowed to for open-sided structures and nothing enclosed above 35 feet.

**TMAPC COMMENTS:**

Mr. Covey stated that if the flooring and the railing it looks like three feet or four feet. Mr. Beach explained that there is an overhead structure as well. Mr. Beach stated that the Zoning Code gives by right the ability to go over the 35-foot limit for minor architectural elements and it would be arguable whether this fits in that category, but he believes it does.

Mr. Midget asked if most of the roof top settings located on the west side. Mr. Beach answered affirmatively. Mr. Midget asked if anyone discussed this proposal with the neighbors. Mr. Beach stated that there has not been a meeting with the neighbors prior to today. Mr. Beach indicated that he had several of them met with him before the meeting started.

**INTERESTED PARTIES COMMENTS:**

**Peggy Welch**, 1446 South Newport Avenue, 74120, representing the Mapleview HOA, stated that that there are 22 homes in the gated subdivision. Ms. Welch indicated that the subdivision is directly east of the subject property. Ms. Welch commented that any home built on the subject site will block her view of the Boston Avenue Church and the downtown area. The HOA is opposed to the height of the buildings and they are concerned about traffic and parking issues. Ms. Welch stated that she is concerned about her property value. Ms. Welch expressed concerns that an open-air patio could easily become an enclosed patio and further block their views. Ms. Welch concluded and requested that the TMAPC protect the integrity of the neighborhood, which is traditional, and protect the views that the neighbors treasure.

Mr. Walker asked Ms. Welch if she is okay with the 35 feet in height. Ms. Welch answered affirmatively.



**Ken Fike**, 1431 South Owasso, 74120, stated that he would agree with Ms. Welch. Mr. Fike further stated that they would welcome new neighbors in the new single-family dwellings, but retain the 35 feet in height.

**Applicant's Rebuttal:**

Mr. Beach stated that he can understand the perception of blocking of the view. The real views of downtown from the single-family residences east of the subject development would be to the northwest toward downtown or to the southwest toward Riverside. Viewing directly west, where the view may actually be blocked, would be looking down 15<sup>th</sup> Street. Mr. Beach stated that yes there will be something new in the view, but it wouldn't totally block views that they are after. Mr. Beach pointed out that anyone viewing the downtown area in the subject area is probably viewing it from the ground level and what they are looking at will be hidden by 35 feet as well as it will be by 45 feet and he doesn't know if the way it is being characterized is an accurate portrayal of how it will actually end up being.

Mr. Midget stated that possibly with a redesign the same views could be available with the 35-foot height. Mr. Midget from a selling standpoint the view could still be obtained, but just at 35 feet instead of the 45 feet and would be more consistent with the subject area. Mr. Beach stated that he is not an architect and doesn't know what could be designed, but he understands Mr. Midget's point.

**Paul Jackson**, 2908 East 15<sup>th</sup> Street, 74120, stated that he is one of the owners of the lots. Mr. Jackson cited the surrounding properties and their uses. Mr. Jackson stated that he will not be blocking anyone's view and the only reason for the arbor is for shade, there will not be any walls or obstruction whatsoever. The neighbors will not see the open air patio from the street level. Mr. Jackson commented that he may be the only one that has an open air patio; the other homeowners have their own plans. Mr. Jackson stated that he doesn't want to block anyone's view and he wants to be a good neighbor. Mr. Jackson described the shade cover as an arbor or trellis with poles and connected to the house. Mr. Jackson commented that his home would be 200 feet from the other houses and doesn't believe it would cause too much of a problem.

**Steve Welch**, 219 Sunset Drive, 74120, President of the Maple Ridge Homeowners Association, stated that he doesn't object to the single-family residences, but do oppose the 45-foot height amendment. Mr. Welch further stated that if the 45 feet is allowed and sometime down the line the open concept becomes an enclosed concept. Mr. Welch commented that this is a dangerous precedent to set. Mr. Welch stated that the applicant could do some grading on his property and still obtain what he wants at 35 feet.

**David (no last name given)**, 1501 South Norfolk, 74120, stated that he lives across the street at the opposite corner. David explained that the proposal will probably affect his view of downtown more than anyone else in the neighborhood. David indicated that he discussed this proposal with his neighbors and they are upset about the 45-foot height request. He explained that one of the reasons he purchased his home was for the view of downtown.

In response to Mr. Covey, David stated that his view of downtown is directly across the street where the new construction will be built. David commented that the architectural style of the new proposal doesn't fit the neighborhood and to add a flat roof deck with a pergola is not in keeping with the character of the historical nature of the neighborhood.

Mr. Covey recognized Ms. Welch. Ms. Welch submitted a picture taken from her home that shows the Boston Avenue Church from her window (Exhibit B-2).

Mr. Midget stated that he has vision that when the leaves are on the trees and shrubs Ms. Welch wouldn't be able to see the church. Ms. Welch stated that her view does vary according to the season, but it is lit at night and she can see a glimpse of it.

Mr. Jackson demonstrated where the three homes would be located and how it wouldn't block the neighbor's view.

**TMAPC COMMENTS:**

Mr. Dix stated that he liked the comment that the height of the house doesn't meet the character of the neighborhood. Mr. Dix further stated that he would need architectural drawings of the proposed houses to see the height of the eaves and without it can't see how can support this proposal. Mr. Dix indicated that right now he doesn't have a compelling reason to go against the staff recommendation.

Mr. Walker stated that he will have to go with the staff recommendation.

Mr. Liotta stated that he is struggling with this decision. Mr. Liotta further stated that he can only look at this as if it were himself and he doesn't own the view from his home. He explained that if his neighbor wants to build something that is within regulations, he doesn't know if he would have any reasonable ability to stop him from building it just because it blocks his view. Mr. Liotta used an example that he doesn't own the shade from his neighbor's property. Mr. Liotta commented that he understands the concern about losing the view because it affects property values, but if this is used as a building guideline there would never be a building next

another one. Mr. Liotta stated that the comment that it is not in keeping with the neighborhood characteristic is the real issue here and for that reason and that point only he will have to support staff recommendation.

Mr. Shivel stated that he is in agreement with Mr. Liotta and will support staff's recommendation.

Mr. Dix moved to approve per staff recommendation. Seconded by Shivel.

Mr. Liotta stated that here a developer has found a piece of property and place single-family homes on it and that is wanted in Tulsa. Mr. Liotta commended Mr. Jackson in his efforts on the subject property.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **APPROVE** the minor amendment for PUD-757-1 to allow Use Unit 6 (Single-Family Dwelling) and **DENY** the request to allow architectural elements above the 35-foot structure limitation per staff recommendation.

\*\*\*\*\*

**OTHER BUSINESS**

- 10. **Refund request for Z-7254 – Bank of Oklahoma/Andy Fritz, Applicant withdrew this application before processing.**

**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 **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **APPROVE** the full refund for Z-7254 in the amount of \$1,432.00 per staff recommendation.

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- 11. **Commissioners' Comments: None.**

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**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Perkins "absent") to **ADJOURN** TMAPC meeting No. 2667.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved:

02-19-2014

  
Chairman

ATTEST:

  
Secretary