

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2676

Wednesday, June 18, 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 Dix Fretz Liotta Midget Millikin Reeds Shivel Stirling Walker	Carnes	Hoyt Huntsinger Miller White Wilkerson	Duke, COT VanValkenburgh, Legal

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 13, 2014 at 8:35 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

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

Ms. Miller reported on the City Council agenda and action taken.

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#### **1. Minutes:**

##### **Approval of the minutes of June 4, 2014 Meeting No. 2675**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the minutes of the meeting of June 4, 2014, Meeting No. 2675.

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

### **CONSENT AGENDA**

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

2. **LC-580** (Lot-Combination) (CD-4) - Location: Northeast corner of East 8th Street South and South Lewis Avenue
3. **LC-581** (Lot-Combination) (CD-4) - Location: South of West 1st Street South and South Lawton Avenue
4. **LC-582** (Lot-Combination) (CD-4) - Location: Southwest corner of West Easton Street and North Boulder Avenue
5. **LS-20694** (Lot-Split) (County) - Location: East of the southeast corner of West 151st Street South and Highway 75
6. **LS-20695** (Lot-Split) (CD-2) - Location: Northeast corner of West 78th Street South and South 24th West Avenue
7. **LS-20697** (Lot-Split) (County) - Location: South of the southeast corner of East 161st Street South and South 185th East Avenue (related to: LC-583)
8. **LC-583** (Lot-Combination) (County) - Location: South of the southeast corner of East 161st Street South and South 185th East Avenue (related to: LS-20697)
9. **Stonegate IV** - Final Plat, Location: East of the northeast corner of East 51st Street and South 177th East Avenue, (CD-6)

#### **STAFF RECOMMENDATION:**

This item has been removed from the consent agenda. Mr. Fretz indicated that he would be abstaining.

10. **Dean's RV Superstore** - Final Plat, Location: East of South Memorial Drive and south of East 21st Street South, (CD 5)

#### **STAFF RECOMMENDATION:**

This plat consists of 1 lot, 1 block on 20 acres.

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

11. **Z-7164-SP-1b - Lou Reynolds**, Location: South and east of the intersection of U.S. Highway 75 and West 81<sup>st</sup> Street, requesting a Corridor Minor Amendment to modify the landscaping and screening requirements included in the development standards, **CO** (CD-2)

**STAFF RECOMMENDATION:**

This item has been removed from the consent agenda.

12. **2-6051-SP-2 - Danny R. Mitchell**, Location: South of the southeast corner of East 81st Street and South Mingo Road, requesting a Corridor Detail Site Plan for a new office building in a Corridor District, **CO** (CD-7)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval for one new two-story office building on a 7.61 acre site in a Corridor District.

**PERMITTED USES:**

Uses permitted as a matter of right are Use Units 10, Off Street Parking; 11, Offices and Studies and Support Services; 12, Entertainment and Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; uses customarily incidental thereto. The Office proposed for this project is allowed by right.

**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 Corridor Plan are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new buildings are not limited by architectural style in the Corridor Plan.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code and the Corridor Plan.

**LIGHTING:**

Site lighting plans have not been provided. All lighting shall be limited to 25 ft in total height. All lighting, including building mounted, shall be hooded and directed downward and away from the boundaries of the Corridor District. Shielding of outdoor lighting shall be designed so as to

prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

#### SIGNAGE:

The site plan illustrated a ground sign location, but does not illustrate wall sign locations. All signs will require a separate permit. All signage will be required to meet the Corridor Plan Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Corridor Plan Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

#### PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays sidewalks along the full length of frontage of South Mingo Road and an existing private drive. The development standards of the Corridor Plan state that, where practical, pedestrian walkways through parking lots and between buildings are to be provided. The inclusion of a pedestrian walkway connecting to the sidewalk along South Mingo Road should be considered.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **Z-6051-SP-2**. The site plan submittal meets or exceeds the minimum requirements of the Corridor Plan. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Corridor Plan, and the stated purposes of the Corridor District section of the Zoning Code.

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.)*

13. **PUD-527-B - Ron Boyd**, Location: Northeast of the intersection of South Yale Avenue and East 21<sup>st</sup> Street South, requesting a PUD Detail Site Plan for a new single-family dwelling within the PUD, **RS-3/PUD-527-B (CD-8)**

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.19 acre site in a Planned Unit Development for one single-family dwelling.

**PERMITTED USES:**

Uses permitted as a matter of right within Development Area B-1 is Use Unit 6 - Detached Single-Family Dwellings and customary accessory uses. The proposed single-family dwelling is permitted as a matter of right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space limitations. The front and side setbacks meet the minimum building setback requirements. The rear yard is required to be 20 ft, however the design standards do allow this distance to be modified through TMAPC site plan approval limited to a minimum rear yard of 5 ft or the width of the utility easement, whichever is greater. 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. The plat for the subject property establishes a review by an architectural committee, separate from the requirements of the Planned Unit Development that the proposed single-family dwelling will be subject to.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans are not provided. Lighting will be required to meet the standards of PUD-527-8 and the City of Tulsa Zoning Code.

**SIGNAGE:**

No signage is permitted or shown.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Sidewalks are not required, per the Planned Unit Development Standards and none are shown.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-527-8**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new single-family dwelling.

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

14. **PUD-550 - Sisemore Weisz & Assoc., Inc./Darin Akerman**, Location : Adjacent to the North boundary of I-44, East of South Memorial Drive at South 87th East Avenue, requesting a PUD Detail Site Plan for a new recreational vehicle sales facility within the PUD, **IL/PUD-550** (CD-5)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 9.178 acre site in a Planned Unit Development for a new RV sales facility including one, one story sales building and RV parking stalls.

**PERMITTED USES:**

Uses permitted as a matter of right within Development Area C-1 are Use Unit 17 - RV Sales & Service facility with attendant uses including, but not limited to an RV detail wash building, an RV paint booth building and maximum 10-stall temporary overnight-stay RV area (Limited to a 3 night maximum stay, to be located within the easterly 600 ft of the subject development area). Such temporary overnight-stay RV parking stalls shall be limited to patrons of the RV sales & service facility during maintenance

of RV's under the patron's ownership. (Generator use will not be allowed with this temporary overnight facility) The proposed RV service facility is permitted as a matter of right.

**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 the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans are provided. The plan illustrates a design that will meet the minimum standards outlined in the Planned Unit Development and in the Zoning Code. Light standards within the western 100 ft of the development area shall not exceed 25 ft in height. All exterior lighting fixtures shall be hooded and direct light downward and away from the properties to the west. No light standards are permitted within the west 100 ft of the development area.

**SIGNAGE:**

The site plan does not illustrate ground and wall sign location. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays sidewalks along the entire frontage of South 91<sup>st</sup> East Avenue as well as along East Skelly Drive.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-550**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new RV sales facility.

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

15. **PUD-495 - Pan American Engineers-Alexandria, Inc.**, Location: North of the northwest corner of East 81st Street South and South Lewis Avenue, requesting a PUD Detail Site Plan for a fueling station in a PUD to replace an existing fueling station, **CS/PUD-495** (CD-2)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.33 acre site in a Planned Unit Development for a new fueling facility to replace an existing fueling facility.

**PERMITTED USES:**

Uses permitted by right are those permitted by right in the CS district. The proposed fueling facility, Use Unit 14, is permitted as a matter of right.

**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 the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.



**LIGHTING:**

Site lighting plans are provided. Lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 35 feet.

**SIGNAGE:**

The site plan illustrates ground and wall sign locations. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays existing sidewalks along South Lewis Avenue. Planned Unit Development Standards do not address requirements for additional sidewalks relating to the subject location.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-495**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new fueling facility.

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

16. **PUD-309-A-1 - CEI Eng. Assoc., Inc./Kofi Addo**, Location: East of the northeast corner of South Memorial Drive and East 68<sup>th</sup> Street South, requesting **PUD Minor Amendment** to reallocate floor area to permit a lot-split for a gas service station, **CS/PUD-309-A**, (CD-7) (Continued from 6/4/14)

**STAFF RECOMMENDATION:**

This Item has been removed from the consent agenda.

17. **PUD-309-A - CEI Eng. Assoc., Inc./Kofi Addo**, Location: East of the northeast corner of South Memorial Drive and East 68<sup>th</sup> Street South, requesting **PUD Detail Site Plan** for a fueling station, **CS/PUD-309-A** (CD-7)

**STAFF RECOMMENDATION:**

This Item has been removed from the consent agenda.

18. **PUD-802 - Walter P. Moore**, Location: Northeast corner of East 41st Place and South Peoria Avenue, requesting a **PUD Detail Site Plan** for a new drive-in bank, **CH/CS/RM-2/PUD-802** (CD-9)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.74 acre site in a Planned Unit Development for a new Drive-In Banking facility.

**PERMITTED USES:**

Uses permitted by right and special exception in Use Unit 4 - Public Protection & Utility Facilities, limited to Antenna and Supporting Structure, Use Unit 11 - Offices, Studios and Supporting Services, together with such other uses of a nature customarily accessory and incidental to the permitted uses. The proposed Drive-In Bank facility is permitted as a matter of right.

**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 the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

#### LIGHTING:

Site lighting plans are provided. The plan illustrates a design that primarily meets the minimum standards outlined in the Planned Unit Development and in the Zoning Code with the exception of the requirement that the photometric plan show light levels at the easterly property line not to exceed zero foot candles and the requirement that all lighting be pointed down. Per the approved Development Standards, zero foot-candles at the easterly property line will be required. Exterior lighting, whether building or ground mounted, shall not exceed 16 ft in height and shall be pointed down. Outdoor lighting shall be shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. The photometric plan indicates that ground mounted flood lights are to be used to light portions of the building. Per the approved Development Standards, these will not be allowed as they point up.

#### SIGNAGE:

The site plan illustrates ground and wall sign locations. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

#### PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays sidewalks along the entire frontage of South Peoria Avenue as well as along East 41st Place South. Internal pedestrian pathways are shown, including pedestrian access to both South Peoria Avenue and East 41st Place South.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-802**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new Drive-In Bank facility.

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

**TMAPC COMMENTS:**

Mr. Covey stated that the following Items will be removed from the consent agenda: 9, 11, 16 and 17.

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, TMAPC voted **9-0-1** (Covey, **Dix**, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; Midget "abstaining"; Carnes "absent") to **APPROVE** the consent agenda Items 2 through 8, 10, 12 through 15 and Item 18 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:**

9. **Stonegate IV** - Final Plat, Location: East of the northeast corner of East 51st Street and South 177th East Avenue, (CD-6)

**STAFF RECOMMENDATION:**

This plat consists of 74 lots, 4 blocks on 19 acres.

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

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION of WALKER**, TMAPC voted **9-0-1** (Covey, Dix, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; Fretz "abstaining"; Carnes "absent") to **APPROVE** the final plat for Stonegate IV per staff recommendation.

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11. **Z-7164-SP-1b - Lou Reynolds**, Location: South and east of the intersection of U.S. Highway 75 and West 81<sup>st</sup> Street, requesting a Corridor Minor Amendment to modify the landscaping and screening requirements included in the development standards, **CO** (CD-2)

**STAFF RECOMMENDATION:**

The applicant has requested a minor amendment to modify the Landscaping and Screening requirements included in the Development Standards.

**MINOR AMENDMENT REQUEST:**

Modify the Landscaping and Screening Standards as follows:

1. Landscaping and Screening Plan will not include rainwater cisterns.
2. Landscaping and Screening Plan will not include a landscaped median.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 806.C of the Corridor District Provisions of the City of Tulsa Zoning Code.*

"Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which shall direct the processing of an amended site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved sit plan and the purposes and standards of this chapter."

1. The requested amendment does not represent a significant departure from the approved development standards in the original Corridor Development Plan or the previous amendments.
2. All remaining development standards defined in Z-7164-SP-1 and Z-7164-SP-1a shall remain in effect.

With considerations listed above and outlined in Section 1, staff recommends **APPROVAL** of Z-7164-SP-1b.

**INTERESTED PARTIES COMMENTS:**

**Harry Gordon**, 628 West 79th Street, 74132, submitted photographs (Exhibit A-1), stated that he is retired from PSO and he has twenty years of experience as a professional engineer. Mr. Gordon indicated that he is representing the Stonebrooke Homeowners Association. Expressed concerns with stormwater runoff from the existing developments and today's proposal. Mr. Gordon cited the amount of work the Homeowner's Association has done to along the creek and replanting of trees. The stormwater is washing out the trees that have been planted and the existing trees. Mr. Gordon stated that he opposes the request today.

**TMAPC COMMENTS:**

Mr. Reeds asked Mr. Gordon to indicate where the creek is located. Mr. Gordon cited the streets and where his housing subdivision is located. Mr. Gordon demonstrated where the stormwater is coming from existing properties and developments.

Mr. Reeds questioned Mr. Gordon if the tributaries were filled when a good rain came and the development wasn't present at that time. Mr. Gordon stated that certainly a good amount ran off when a good rain came, but a lot of it soaked in because it was all agricultural land. Mr. Gordon explained that Tulsa Hills is all asphalt and from a professional view he would say that the creek flows heavy much longer now due to the development in the subject area.

Ms. Millikin asked Mr. Gordon if he stated that he is a licensed professional engineer. Mr. Gordon stated that he was a licensed professional engineer in the State of Oklahoma until 2000. Mr. Gordon explained that he never renewed his license since 2000. Ms. Millikin asked Mr. Gordon what his engineering discipline is. Mr. Gordon stated that it is in electrical engineering. Ms. Millikin asked if the Homeowner's Association hired a civil engineer or an engineer with the background in this technical discipline to assess the cause of the stormwater, creek and the trees. Mr. Gordon stated that they have not, but there is another engineer on the Board and himself. Mr. Gordon explained that when one gets registration they have to prove themselves in all disciplines. Mr. Gordon further explained that he has 39 years of experience as a project manager and he has obtained a lot experience and feels quite confident that the creek flows much harder and is creating much more damages than was ever intended.

**Glen Mulready**, 660 West 77th Place, 74132, stated that currently the City of Tulsa is spending money in the subject area trying to address the

issues regarding stormwater runoff. It is affecting some of the roads in the neighborhood and the City is working on that now. The subdivision has four ponds to address the runoff issues and by granting this waiver it would be accentuating those problems that the City and neighbors are trying to deal with today.

**Applicant's Rebuttal:**

**Lou Reynolds**, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that Mr. Mulready summed it up that the development is not adding any additional concrete as a result of today's request. The issue of the cisterns was a decorative feature and wouldn't have a stormwater retention capability because if they are full of water and they haven't been used for the planned irrigation pattern and it rained then they wouldn't retain any water. The cisterns were intended to be a decorative item in an earlier project and couldn't be used for stormwater retention. The reason for taking out the landscape median is because the extension of Olympia is now a public street and previously it was intended to be a private street and would have a landscaped median. Now that it is a public street and can't be landscaped in that fashion.

Mr. Reynolds demonstrated the proposed stormwater detention facilities in the subject property and how it would be released in a metered rate that the City of Tulsa will determine. Mr. Reynolds reiterated that the cisterns wouldn't have a stormwater capacity and was only for decorative.

**TMAPC COMMENTS:**

In response to Mr. Reeds, Mr. Reynolds stated that there is a rough idea of the size and the City will determine the standards once the plat is finalized and the City will work with the developer to try to address the issues others are having up and down the stream.

In response to Mr. Fretz, Mr. Reynolds stated that there wouldn't be a fee-in-lieu because the proposed development will be detaining on site.

Mr. Liotta asked if it is the way it is built that determines how it is metered out. Mr. Reynolds stated that is correct and the City will determine how it is to be built to achieve the metered rate.

**Doug Duke**, Lead Engineer for Development Services, City of Tulsa, stated that he understands that there are some concerns by the surrounding neighbors and property owners regarding drainage issues associated with this development. He believes that it has been explained that it is all detained and their flow structures that will control the amount of flow leaving the site. All of the detention for the subject property has been designed and approved by City of Tulsa for a permit.

Mr. Liotta commended the neighborhood for being diligent and asking the questions and making their voices heard. The two specific things that the applicant is requesting don't appear to affect the specific concerns that were voiced today. Mr. Liotta indicated that he would be in support of this application.

Mr. Reeds indicated that he completely agrees with Mr. Liotta. Mr. Reeds stated that he would like to know if the same precepts to the other developments in the subject area because they are getting runoff from somewhere.

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the corridor minor amendment for Z-7164-SP-1b per staff recommendation. (Language underlined has been added and language with a strike-through has been deleted.)

\* \* \* \* \*

Mr. Hoyt stated that Items 16 and 17 are related and are for the same subject property. Mr. Hoyt presented Items 16 and 17 together.

16. **PUD-309-A-1 - CEI Eng. Assoc., Inc./Kofi Addo**, Location: East of the northeast corner of South Memorial Drive and East 68th Street South, requesting **PUD Minor Amendment** to reallocate floor area to permit a lot-split for a gas service station, **CS/PUD-309-A**, (CD-7) (Continued from 6/4/14)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD Development Standards to reallocate floor area to permit a lot split.

The current maximum allowable building floor area is 217,500 SF. The proposed maximum building floor area is 216,000 SF for the Wal-Mart tract and 1,500 SF for the Murphy Oil tract.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.*

*"Changes in structure heights, building setbacks, yards, open spaces, 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 the request and determined:

- 1) The proposed Gas Service Station, Use Unit 14, is allowed by right within PUD-309-A.
- 2) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 3) All remaining development standards defined in PUD-309-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reallocate floor area to permit a lot split.

17. **PUD-309-A - CEI Eng. Assoc., Inc./Kofi Addo**, Location: East of the northeast corner of South Memorial Drive and East 68th Street South, requesting **PUD Detail Site Plan** for a fueling station, **CS/PUD-309-A** (CD-7)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.704 acre site in a Planned Unit Development for a new fueling facility.

**PERMITTED USES:**

Uses permitted by right are Use Unit 10 - Off-Street parking Areas; Use Unit 11 - Offices, Studios and Support Services; Use Unit 12 - Eating Establishments other than Drive-Ins; Use Unit 14 - Shopping Goods and Services and uses customarily accessory to permitted principal uses. The proposed fueling facility, Use Unit 14, is permitted as a matter of right.

**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 the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans are provided. Lighting standards shall not exceed 30 ft in height. Lighting used to illuminate the property shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the residential district to the north of East 66th Street.

**SIGNAGE:**

The site plan illustrates wall sign locations. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays existing sidewalks along East 68th Street. Planned Unit Development Standards do not address requirements for additional sidewalks relating to the subject location.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-309-A**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new fueling facility.

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

### **INTERESTED PARTIES COMMENTS:**

**David Morgan**, 6800 N. Country Club Drive, Oklahoma City, OK 73116, stated that he is here to speak in opposition or further study for today's application. Mr. Morgan further stated that this is a bad idea to put a Murphy's Fueling Station right in the middle of a parking lot that is surrounded by office buildings and retail. This is a busy corner at 68th and Memorial Drive and will be out of character of what is in the surrounding area.

Mr. Morgan stated that he is present for the owners of NB Properties. Mr. Morgan explained that NB Properties owns the property leased to Bank America. Mr. Morgan indicated that he is also authorized to speak for the owner of Car Toys, which has been located in the subject area for over 20 years.

Mr. Morgan stated that when Wal-Mart first applied for their PUD and developed there was no discussion of a gas station at the end of the parking lot. Mr. Morgan commented that he believes that the PUD would have been looked at differently if there had been a gas station proposed at the beginning of the PUD. Mr. Morgan cited the retail, restaurant and office business in the surrounding subject area. Mr. Morgan commented that he is a fan of Wal-Mart and has relatives that work for them, but this gas station is out of place. Mr. Morgan stated that he doesn't believe a traffic study has been done and he doesn't believe that there has been a study done about what this would do to the neighbors.

Mr. Morgan stated that he went to several Wal-Mart sites in Oklahoma and they all sell discount gas and cigarettes with banners on their canopies. Mr. Morgan further stated that he has nothing against Wal-Mart or Murphy Oil, it is simply the location. He commented that the fueling stations are not kept up in a way that anyone would want their office complex to be next to.

### **TMAPC COMMENTS:**

Mr. Walker stated that he understands that Mr. Morgan's two specific issues with this application is the traffic congestion that will impact his client's property and property values. Mr. Morgan stated that he is very much concerned about the property values and the impact of the gas station being where it is proposed and so close to the office retail center.

Mr. Dix pointed out that the exhibit in our packets is not a traffic flow map, but rather a turning radius to show that a gasoline tanker can make it on and off site without interfering with other traffic.

### **INTERESTED PARTIES COMMENTS:**

**Nathan Cross**, Riggs & Abney Law Firm, 502 West 6th Street, 74119, stated that the bank only has one access point to a publicly maintained right-of-way. Mr. Cross stated that the tanker trucks going in and out of the subject property will cause a significant issue in an already severely congested area.

### **TMAPC COMMENTS:**

Mr. Dix stated that on the east side is there not an access to the Wal-Mart parking lot and their driveways as well. Mr. Cross stated that he is confused about where the curb cuts are for Wal-Mart on the east side.

### **INTERESTED PARTIES COMMENTS:**

**Tyler Jones**, 606 Prattwood Circle, Sand Springs, 74063, President of Moody's Jewelry, stated that his stores have been a 70-year retailer in the City of Tulsa. The proposed gas station doesn't fit in the subject area and most Wal-Mart's do not have this on their property. Mr. Jones explained that his store will be looking directly at this gas station selling cigarettes and gasoline. Mr. Jones stated that 68<sup>th</sup> Street on weekends and holidays is an absolute parking lot and difficult to get in and out. Mr. Jones indicated that he currently has a multimillion-dollar expansion and remodel for the Moody's store and this would change the nature of his business and the remodel is on hold. Mr. Jones stated that he will have to move the store if the gas station is allowed. Mr. Jones cited the retail stores that surround his property and commented that they are not "dollar" stores and are middle to higher end retail establishments. Mr. Jones stated that everyone in the subject area is concerned about the gas station and it will decimate that particular entry for all. Mr. Jones commented that he has been in the retail business a long time and he understands retail as anybody in the world and he understands when something is not right and this is not the right fit for this particular neighborhood.

### **TMAPC COMMENTS:**

Mr. Reeds asked Mr. Jones how the traffic compares when there was a movie theater and Service Merchandise on the subject property. Mr. Jones stated that he was excited when Wal-Mart went in because anything that brings in a lot more traffic to his street can't hurt. Wal-Mart didn't hurt nor help his business because that customer is a different customer. Mr. Jones stated that he and his wife does shop at Wal-Mart, but when one is in a retail establishment that is more middle to upper, that type of business doesn't necessarily bring anything to you. Mr. Jones commented that Wal-Mart has been a good neighbor and hasn't been a problem until now with this proposal. Mr. Jones explained that he needs to keep the traffic flow going and this will be problematic.

Mr. Dix stated that he has 25 years of experience of working for QuikTrip in the real estate department. He further stated that part of his job was a director of site selection and the subject site isn't a QuikTrip site. Mr. Dix explained that Murphy's Oil understands that their customers come out of Wal-Mart and all of their curb cuts are off of Wal-Mart curb cuts and not adding any to the existing street. Murphy's Oil has a business model, and this is part of their business model. Mr. Dix stated that he wouldn't personally like the gas station at the subject site, but he wouldn't vote against it because this is part of their business model and he doesn't think it will have any effect on the neighborhood or adjacent businesses. Mr. Dix commented that it will not add any additional traffic because their customers are from Wal-Mart that get a discount on their card for gas. Mr. Dix stated that he doesn't believe it is detrimental to the neighborhood at all. Mr. Dix indicated that he would be supporting this application.

Mr. Midget stated that he can appreciate Mr. Dix's information because it is helpful. Mr. Midget further stated that he is familiar with the site and he understands the concerns of the surrounding property owners. Midget explained that he has two issues with this proposal, the service station is allowed by right within the PUD, but his issue is that this was not an original Wal-Mart site and he doesn't personally think this is a good location for a Murphy's gas station. If the gas station was closer to one of the intersections then it would be hard to not support it, but the proposed location is a different kind of operation. Mr. Midget commented that he isn't sure the Wal-Mart would have been approved if the gas station had been a factor in the beginning. Mr. Midget indicated that he is not supportive of the project.

Mr. Shivel cited other Murphy gas stations in Tulsa that are not on a major arterial. Mr. Shivel indicated that he will be supportive of this application.

Mr. Dix stated that the proposed use is allowed under the PUD uses allowed and he is a proponent to allow a land owner to do with their property what is allowed, unless there is a compelling reason not to approve it and today he sees no compelling reason.

Mr. Reeds stated that he agrees that the use is as of right and understood that from reading the documents. Mr. Reeds asked if the applicant looked at any other areas.

Mr. Covey asked if the applicant would like to have a rebuttal.

**Applicant's Rebuttal:**

**Kofi Addo**, 9100 Independence Parkway, Plano, Texas, 75025, stated that he would like to turn this over to Mr. Ziada from Murphy USA.

**Bassam Ziada**, Murphy Oil USA, 1560 North Fieldstone Avenue, Fayetteville, Arkansas 72704, stated that at the last meeting there was a continuance to give the NB Properties a chance to look at the drawings. Mr. Ziada explained that the drawings were emailed and held a conference call. They had a list of concerns on the subject property. Mr. Ziada stated that there will be one fuel truck per day at the site and it can be worked out with the fleet to deliver when there isn't a lot of traffic. Mr. Ziada stated that he works with staff and meet all the requirements. He explained that he believes that he has worked through all of the concerns with the subject site plan and comply as far as the building, architectural, landscaping, access and there is a mutual access easement with Wal-Mart to provide an access to the site from their property. Mr. Ziada addressed the questions of relocating the site to the north side and he explained that the north side is where the majority of Wal-Mart customers are and that area is pretty condensed. The grocery store 24-hours is located on the north side and the doors on the south side close around 10:00 p.m. or 11:00 p.m. and that is why the selection for the south side was chosen. Mr. Ziada stated that he would like to see if there is something else he could do on the site plan/building that will satisfy the interested parties. If our neighbor has some suggestions to make it look more attractive, he would more than glad to take care of that.

**TMAPC COMMENTS:**

Mr. Reeds questioned the north side of the parking lot versus the south side of the parking lot. Mr. Ziada stated that there is a representative from Wal-Mart present and he would like him to speak on this issue.

**Nathan Hamlin**, One Worlaby Drive, Bella Vista, Arkansas 72715, stated that it has been through trial and error that Wal-Mart has discovered that having structures in the parking lot on the grocery side is not the safest part. In this situation there is a perfectly squared parking lot with all the parking in front of the store and Wal-Mart prefers to have this on the general merchandise side because it isn't as busy.

Mr. Walker stated that Wal-Mart dictates the site for the gas station. Mr. Covey recognized Mr. Morgan for two additional minutes. Mr. Morgan stated that all of the Murphy gas stations that he has seen were at an intersection or major arterial streets and this is not, it is backed into an office area. Mr. Morgan stated that the original PUD doesn't mention a gas station and he doesn't know if in 2004 it would have been approved.

Ms. Millikin asked if it is the location of the gas station on this parking lot altogether that he is objecting to or would he be amenable to see it in

another location in the parking lot. Mr. Morgan stated that he is opposed to it being in their office complex and retail complex. Mr. Morgan reiterated that the Wal-Mart stores he visited with the gas stations are on busy intersections.

Mr. Covey asked Mr. Morgan if there is anything that the applicant can do on the current location that would satisfy him. Mr. Morgan stated that he would like to continue to talk with them. Mr. Covey stated that he is hearing that Mr. Morgan would prefer the gas station not be allowed, but if they are going to get it, he would like time to talk with the applicant.

Mr. Reeds asked Mr. Hoyt to explain how this allowed by right in a PUD that was written in 2004. Mr. Hoyt stated that in 2004 they allowed certain uses within the PUD and it doesn't specifically spell it out in the PUD, but to allow a certain future uses and this would definitely fall into that category. Mr. Hoyt stated that he reviewed other Wal-Mart sites within the City of Tulsa that have been approved in PUDs and they were all recommended the same exact way. They all allow this Use Unit as a matter of right.

Mr. Midget stated that in 2004 he believes that there was more interest in having the Wal-Mart on the subject property and not so much this service station. Mr. Midget further stated that the gas station is probably hind-sight to them as well. Mr. Midget commented that he believes that had the gas station come up initially, then anyone with concerns about the service station would have been able to speak up and in his mind it would have been one of those Use Units that would have been eliminated from the PUD or prevented Wal-Mart from developing on the subject site.

Mr. Covey asked Mr. Hoyt if the reason for the minor amendment is due to the increase in floor area. Mr. Hoyt stated that the minor amendment is to permit the lot-split so that the Murphy site will be of its own lot. Mr. Covey asked if Wal-Mart wanted to develop their own gas station and not split the lot could they do it. Mr. Hoyt answered affirmatively. Mr. Covey stated that he is assuming the reason they want to split the lot is for liability reasons. Mr. Hoyt stated that technically Murphy's Oil is separate from Wal-Mart.

Mr. Covey stated that he wants everyone to understand that if Wal-Mart wanted to do this, they could do it right now. Mr. Hoyt answered affirmatively.

Mr. Covey stated that he struggles with the fact that if Wal-Mart wanted to do this they could and the reason they are coming to us is for a legal reason that they have a gas business through Murphy Oil. Mr. Covey further stated that he completely understands all the concerns. Mr. Covey

commented that he is a frequent driver to the subject area, and he doesn't believe it is a good place for a gas station, but from his perspective, this should have been a fight in 2004. Mr. Covey stated that they have the right to do this and he will be voting in favor of it.

Mr. Stirling asked Legal if there are any stipulations that can be on the detailed site plan or is it between the two parties. Ms. VanValkenburgh stated that she believes that the Planning Commission can put some conditions in their approvals.

Mr. Dix asked if the conditions could include sign restrictions or if they are regulated by the sign ordinance itself. Ms. VanValkenburgh stated that she doesn't believe that the Planning Commission can do anything in contradiction to what has already been approved unless the parties agree.

In response to Mr. Midget, Ms. VanValkenburgh stated that if the site plan meets the conditions of the development standards that it is to be approved. Ms. VanValkenburgh further stated that if the parties agree to discuss further, additional concessions could be included in the approvals.

Mr. Dix stated that he would caution Murphy Oil to get sign permits for all of their signs that they wish to put up.

Mr. Fretz stated that he drove by several existing Wal-Mart sites with Murphy Oil gas stations and there are a lot of offices, retail and banks around them. Mr. Fretz further stated that he didn't take any measurements, but he feels that today's proposal is pretty consistent with those.

**TMAPC Action; 10 members present:**

On **MOTION of WALKER**, TMAPC voted **8-2-0** (Covey, Dix, Fretz, Liotta, Millikin, Shivel, Stirling, Walker "aye"; Midget, Reeds "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment for PUD-309-A-1 per staff recommendation.

**TMAPC Action; 10 members present:**

On **MOTION of WALKER**, TMAPC voted **8-2-0** (Covey, Dix, Fretz, Liotta, Millikin, Shivel, Stirling, Walker "aye"; Midget, Reeds "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the detail site plan for PUD-309-A per staff recommendation.

\* \* \* \* \*



**PUBLIC HEARINGS:**

19. **PUD-810** - Plat Waiver, Location: Northeast corner of East 12th Street South and South Lewis Avenue, (CD 4)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning to PUD 810.  
**Staff provides the following information from TAC for their June 5, 2014 meeting:**

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

**STREETS:** Five-foot right-of-way dedication is required along Lewis. A 25 foot corner radius is required at the intersection of Lewis and 12th Street. Sidewalk is required along 1ih Street and Lewis.

**SEWER:** No comment.

**WATER:** It is recommended that water service be obtained from the 12 inch line along Lewis Avenue versus the 2 inch along East 12th Street.

**STORMWATER:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

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

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

	<b>Yes</b>	<b>NO</b>
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:**

	<b>YES</b>	<b>NO</b>
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  |   | X |
|     | i. Is a main line water extension required?   |   | X |
|     | ii. Is an internal system or fire line required?  |   | X |
|     | iii. Are additional easements required?   |   |   |
|     | 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.  |   | X |
| 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.

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the plat waiver for PUD-810 per staff recommendation.

20. **New Paul** - Minor Subdivision Plat, Location: 15202 East Admiral Place, south of East Admiral Place, east of 145th East Avenue, (CD 6) (Continued from 6/4/2014 meeting)

**STAFF RECOMMENDATION:**

This plat consists of 1 Lot, 1 Block, on 19.8 acres.

The following issues were discussed May 15, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Revise section 1.11 to read sidewalks shall be constructed along the south side of East Admiral Place in accordance with Subdivision Regulations. Sidewalks shall conform to City of Tulsa engineering design standards.
3. **Sewer:** No comment.
4. **Water:** It is preferred that water main lines be installed inside green space areas for maintenance purposes versus under pavement. Remove the stub line to the guard posts along the east entrance drive.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:**
7. **Other: Fire:** KNOX access will be required on all gates.
8. **Other: GIS:** Scale is off slightly. East Admiral is misidentified. East 11th Street should be East 11th Street South. Show and label highway. Need Basis of Bearing, which State Plane coordinates or recorded plat. Is this based on do not assume a bearing. Legal description not complete. Describe by metes and bounds with point of commencement and point of beginning. Move location map to the upper right hand corner and move larger north arrow and scale closer to plat drawing. Submit subdivision data control sheet.  
**Legal:** Legal concerns must be taken care of per their approval and especially as listed on pages 2, 3 and 4 of Development Services TAC City of Tulsa comments.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

plat.

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

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor subdivision plat for New Paul per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

**21.2-7264 - CBC Builds, LLC/Harry D. Grande Sr.**, Location: East of South Madison Avenue between 38th Place and East 39th Street, Requesting rezoning from **RS-3 to RS-4**, (CD-9), related to 39th and Madison Preliminary Plat, (Continued from 5/21/14) (**Applicant has requested a continuance to August 20, 2014**)

**STAFF RECOMMENDATION:**

Applicant has requested a continuance to August 20, 2014.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** the rezoning for Z-7264 to August 20, 2014.

\* \* \* \* \*

**22. 39th and Madison** - Preliminary Plat, Location: West of South Peoria Avenue, between East 38th Place and East 39th Street (CD-9), related to Z-7264 (Continued from 6/4/15) **(Staff is requesting a continuance to August 20, 2014, in order to hear the related rezoning case first.)**

**STAFF RECOMMENDATION:**

Staff has requested a continuance to August 20, 2014.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** the preliminary plat for 39<sup>th</sup> and Madison to August 20, 2014.

\* \* \* \* \*

**23. Z-7270 - 120 Development Group, LLC**, Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, Requesting rezoning from **RS-4 to RM-2**, (CD-1), **(Applicant is requesting a continuance to July 23, 2014 in order to file a PUD.)**

**STAFF RECOMMENDATION:**

Mr. Wilkerson stated that the request to July 23 was based on submitting a PUD by last week and the applicant didn't make the cutoff. Applicant has requested a continuance to August 6, 2014.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, **Dix**, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** the rezoning for Z-7270 to August 6, 2014.

\* \* \* \* \*

24. **Z-7269 - Costco Wholesale/Michael Okuma**, Location: Northwest corner of East 103rd Street and South Memorial Drive, requesting rezoning from **AG to CS, (CD-8) (Applicant has requested a continuance to July 9, 2014)**

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 9, 2014.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** the rezoning for Z-7269 to July 9, 2014.

\* \* \* \* \*

25. **PUD-815 - Costco Wholesale/Michael Okuma**, Location: Northwest corner of East 103rd Street and South Memorial Drive, requesting a PUD, (CD-8) **(Applicant has requested a continuance to July 9, 2014)**

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 9, 2014.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** PUD-815 to July 9, 2014.

\* \* \* \* \*

26. **PUD-595-B-7 - Andrew A. Shank**, Location: 6611 South 101st East Avenue, requesting a PUD Minor Amendment (CD-7) **(Applicant has requested a continuance to July 9, 2014.)**

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 9, 2014.

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



**TMAPC Action; 10 members present:**

On **MOTION of DIX**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Millikin, Midget, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **CONTINUE** the minor amendment for PUD-595-B-7 to July 9, 2014.

\* \* \* \* \*

27. **Z-7265 - Good Day Properties**, Location: South of southeast corner of South Peoria Avenue and East 6th Street, requesting rezoning from **CH to FBC** and amending Regulating Plan to include this site in Urban General Frontage, (CD-4)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The applicant has submitted a request to rezone a tract of land from Commercial High Intensity (CH) to Form-Based Code (FBC). The property is occupied by an existing building with several uses ranging from retail to warehouse. The site does not meet existing parking requirements and was developed prior to adoption of the current Tulsa Zoning Code.

The rezoning request will encourage future redevelopment opportunities consistent with the historic character and mix of uses in the surrounding area. Additionally, the applicant will not have to seek Board of Adjustment relief for parking and landscape requirements that are required as part of the CH zoning district.

**DETAILED STAFF RECOMMENDATION:**

The Form-Based Code rezoning request and the Regulating Plan must be concurrent recommendations.

The Form-Based Code and Regulation Plan amendment to include this lot as an Urban General designation is consistent with Downtown Neighborhood vision of the Tulsa Comprehensive Plan.

The Form-Based Code and Regulation Plan amendment to include this lot as an Urban General designation is consistent with the Mixed Use Infill vision of the 6th Street Infill Plan.

The Form-Based Code and Urban General designation to the Regulating Plan is consistent with the existing and anticipated development pattern in this neighborhood.

**Staff recommends Approval of Z-7265 to rezone the site as FBC and amend the regulating plan to Urban General as outlined in Section I.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The rezoning request and Regulating Plan amendment are consistent with the vision of the Tulsa Comprehensive Plan and the 6th Street Infill Plan. The pedestrian sensitive environment recognized in the small area plan is supported by the Form-Based Code and also supports the transportation vision for the area. The 6th Street Infill plan was originally approved by the City Council January 5th, 2006 and then amended April 3rd, 2014.*

#### Land Use Vision:

Land Use Plan map designation: This site is part of a Downtown Neighborhood.

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

#### Areas of Stability and Growth designation:

The purpose of an Area 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 in 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.

### Transportation Vision:

#### Major Street and Highway Plan:

South Peoria Avenue is a Multi-Modal, Urban Arterial Corridor and part of the anticipated Bus Rapid Transit system.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multi-modal 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.

#### Trail System Master Plan Considerations:

The site is on the east side of South Peoria directly across the street from Centennial Park where significant infrastructure has been provided for pedestrian and multi-modal trail infrastructure linking this site to the Midland Valley Trail system which is the heart of a 140+ mile trail system in Tulsa.

There are no specific components of the Form-Based Code and Regulating Plan that add connectivity opportunities to the site however the site is generally consistent with the pedestrian friendly development pattern that is complementary to the trail system.

Small Area Plan: This site is part of the 6th Street infill Plan.

This site is part of the Mixed Use Infill Sub Area in the 6th Street Infill Plan. The Mixed Use Infill sub area should "provide opportunities for small scale infill development. It is recommended that new development should utilize existing lots, streets, and alleyways and should also complement the existing architecture".

Historic Preservation Overlay: This site is not part of a Historic Preservation District.

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: This site is in the center of a detailed neighborhood plan prepared to describe a future vision for an area east of downtown. The preservation and enhancement of the best characteristics of the neighborhood were an essential component of the 6th Street Infill Plan. This rezoning request supports preservation of the character of the existing neighborhood.*

Site Analysis: The subject property is approximately 6500± square feet in size and is located south of southeast corner of S. Peoria Ave. and E. 6th St. The property is occupied with an existing building with a variety of uses and is zoned CH.

Environmental Considerations:

This area is located in the City of Tulsa Regulatory Flood Plain for Elm Creek. It is not in a FEMA flood zone. Future storm water improvements contemplated for this area are included in the 6th Street Infill Plan, however those improvements do not appear to affect this site.

Surrounding Properties: The subject tract is abutted on the east by a large variety of buildings and business that are zoned FBC to the north and west and CH in all other directions.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Ave.	Multi Modal Urban Arterial	70 feet	4

UTILITIES:

The subject tract has municipal water and sewer available.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

**Z-7176 November 2011:** All concurred in approval of a request for rezoning a 60± acre tract of land from RM-2, RM-3, PK, OL, CS, CH, IL and PUD-629 to FBC, for mixed use, on property located at East 6th Street to East 11th Street, South Peoria Avenue to the east leg of the IDL (Pearl District).

**INTERESTED PARTIES COMMENTS:**

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, stated that he is in support of the rezoning and submitted a letter of support.

**The applicant indicated her agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION of MIDGET**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of the FBC zoning for Z-7265 per staff recommendation.

**Legal Description for Z-7265:**

Lot 7, Block 9, Factory Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

**OTHER BUSINESS**

- 28. Applicant is requesting a Motion to reconsider **PUD-813**, specifically regarding development standards for three-car driveway. Applicant: **Roy D. Johnsen**, Location: West of southwest corner of East 41st Street and South 177th East Avenue, RS-4 to RS-4/PUD-813, (CD-6)

**STAFF RECOMMENDATION:**

Ms. Miller stated that the applicant is requesting a motion to reconsider a PUD that was heard and recommended for approval at our last meeting. The Planning Commissions' Policies and Procedures allow the Planning Commission to consider a reconsideration. If the Planning Commission chooses to reconsider the PUD then staff would re-notice the application and bring it back to July 23, 2014. The applicant wants to make some changes and staff thought this would be the most straightforward at this

point in the process to request reconsideration and bring it back with that change before it moves forward to the City Council process.

**Applicant's Comments:**

**Roy Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that he is trying to avoid going to the City Council and asking them to send it back to the Planning Commission and then back to the City Council. This is early in the process and he felt like it could be taken another look at by the Planning Commission before going to the City Council.

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

**TMAPC Action; 10 members present:**

On **MOTION of SHIVEL**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the reconsideration for PUD-813.

\* \* \* \* \*

**TMAPC Action; 10 members present:**

On **MOTION of WALKER**, TMAPC voted **10-0-0** (Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **ADJOURN** TMAPC meeting No. 2676.

**ADJOURN**


There being no further business, the Chair declared the meeting adjourned at 2:56 p.m.

Date Approved:

07-09-2014

  
Chairman

ATTEST:

  
Secretary