

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2678

Wednesday, July 23, 2014, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Stirling	Fernandez	Duke, COT
Covey	Walker	Hoyt	VanValkenburgh, Legal
Dix		Huntsinger	Warrick, COT
Fretz		Miller	
Liotta		White	
Midget		Wilkerson	
Millikin			
Reeds			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 17, 2014 at 3:54 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 immediately following the conclusion of today's TMAPC meeting.

#### Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of June 2014.

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

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## 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-591** (Lot-Combination) (CD 4) – Location: West of the Northwest corner of East 21<sup>st</sup> Street South and South Birmingham Avenue
2. **Cherry Street Ridge Amended** – Final Plat, Location: Northwest corner of South Troost Avenue and East 15<sup>th</sup> Street South, (CD 4) (Continued from July 9, 2014 meeting.)

### STAFF RECOMMENDATION:

All release letters have been received and staff recommends **APPROVAL**.

3. **Unit Corp** – Final Plat, Location: Southeast corner of West 81<sup>st</sup> Street South, and South Union Avenue, (CD 2)

### STAFF RECOMMENDATION:

All release letters have been received and staff recommends **APPROVAL**.

4. **PUD-431-C-4 – Tulsa Engineering & Planning Associates, Inc./Tim Terral**, Location: West of the southwest corner of East 101<sup>st</sup> Street South and South Sheridan Road, Requesting a **PUD Minor Amendment** to reduce the required parking from 18 to 17 spaces, **RS-3/PUD-431-C**, (CD-8)

### STAFF RECOMMENDATION:

Amendment Request: Modify the PUD Development Standards to reduce the required parking from 18 to 17.

The Development Standards for PUD-431-C call for parking to be as required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation. The office building is considered Use Unit 11 which requires 1 space per 300 SF. The building is shown to contain 5,398 SF, which would require 18 spaces.

*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 requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-431-C shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required parking from 18 to 17 spaces.

5. **Z-4900-SP-9a – Roy D. Johnsen**, Location: Southeast corner of South Mingo Road and East 75<sup>th</sup> Street, Requesting a **Corridor Minor Amendment** to remove the senior housing limitation on allowable uses, **CO/Z-4900-SP-9**, (CD-7)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the Corridor Development Standards to remove the senior housing limitation on allowable uses.

The current Permitted Uses within the Development Standards for Z-4900-SP9 are Use Unit 8; Multifamily Dwellings and Similar Uses but limited to senior housing. The senior housing limitation was included in error and was not intended to be a condition placed upon the permitted uses within Z-4900-SP-9.

*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.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the original Corridor Development Plan.
- 2) All remaining development standards defined in Z-4900-SP-9 shall remain in effect.
- 3) The original Senior Housing limitation was included in error and was not intended to be included with the original Corridor Plan Z-4900-SP-9.

With considerations listed above, staff recommends **approval** of the minor amendment request to remove the senior housing limitation on allowable uses.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Midget, Stirling, Walker "absent") to **APPROVE** the consent agenda Items 1 through 5 per staff recommendation.

\* \* \* \* \*

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

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

#### **PUBLIC HEARINGS:**

6. **CVS Tulsa Addition** – Minor Subdivision Plat, Location: Northwest corner of East 31<sup>st</sup> Street South and South Garnett Road, (CD 6) (Continued from July 9, 2014 meeting.)

#### **STAFF RECOMMENDATION:**

This plat consists of one lot, one block on .94 acres.

The following issues were discussed June 5, and June 19, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial service).
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** No comment.

**Legal:** Revised language from City Legal needs to be incorporated.

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; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the minor subdivision plat for CVS Tulsa Addition per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

7. **Costco Addition** – Preliminary Plat, Location: South of Southwest corner of South Memorial Drive and 101<sup>st</sup> Street South, (CD 8)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block on 18 acres.

The following issues were discussed June 19, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG/CS (agricultural/commercial shopping) with Planned Unit Development 815 and CS zoning pending. Put PUD development standards in covenants.

2. **Streets:** Dimension and clarify the purpose of the existing right-of-way easement along the south property line. Limits of no access and access need to be shown. ODOT right-of-way needs to be reflected on plat. If no right-of-way is being dedicated by this plat then no reference to dedication should be included. Sidewalk section should be modified to reflect actual plat condition.
3. **Sewer:** No comment.
4. **Water:** All waterline easements need to be 20 feet. The water line adjacent to the detention basin is too close and will need to be 20 feet minimum from back of wall. Further restrictions on location to be determined during IDP (infrastructure development plan) review and upon getting further details of wall and any supporting geotextile. Therefore, location of easement for this line will change per outcome of IDP and wall review.
5. **Storm Drainage:** Change the 15-foot storm sewer easement to 15-foot drainage easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Correct deed of dedication per ONG.
7. **Other: Fire:** A fire hydrant will be required within 600 feet of any part of a fully sprinkled building as the hose lays and within 400 feet of any part of a non-sprinkled building as the hose lays. Aerial access will be required per IFC 2009 Section D105 if any part of the building is 30 feet above the lowest level of fire department vehicle access. Fire Department Connection will be on the front of the building.
8. **Other: GIS:** Not all subdivisions identified on Location Map, change the direction of bearing on the east boundary of the plat to match legal description, show property to the south as unplatted, show expiration date of Engineers Certificate of Authorization, scale the location map, dimension with bearing and distances all easement lines, show number of lots, blocks, reserves in the plat, submit data control sheet, add legal description to covenants page. Provide widths of all existing easements. Verify that the 17.5-foot perimeter utility easement along the south property line can be platted over the existing easements. Don't reference the Public Works Department, use City of Tulsa.

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; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the preliminary plat for Costco Addition per staff recommendation, subject to special conditions and standard conditions.

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8. **Carriage Park – Preliminary Plat, Location:** Northwest corner of North Sheridan Road and East 126<sup>th</sup> Street North (County)

**STAFF RECOMMENDATION:**

This plat consists of 46 lots, 4 blocks, on 40 acres.

The following issues were discussed June 19, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS (residential single family).
2. **Streets:** Dedicate 50 feet right-of-way along Sheridan. Additional eight-foot right-of-way must be dedicated along Sheridan for right turn lane for a distance of 388 feet from center line of 126<sup>th</sup> Street North. Dedicate 50 feet right-of-way along 126<sup>th</sup> Street North. Corner clip at intersection of Sheridan and 126<sup>th</sup> should be 42.42 feet or 30-foot radius. All other corner clips should be 35.35 or 25-foot radius. Also, line data chart shows varying length but they are drawn the same. Include section on sidewalks.
3. **Sewer:** No comment.
4. **Water:** Water service provided by Washington Rural Water District # 3.
5. **Storm Drainage:** No comment.
6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.
7. **Other: Fire:** Collinsville Fire will serve plat. A release letter from them will be necessary.

8. **Other: GIS:** Label all unplatted parcels in the location map, label point of beginning, legal description does not match the plat, move the location map to the upper right hand corner, add a leader from the centerline symbol to actual centerline of North Sheridan Road, submit subdivision control data sheet.

**County Engineer:** The stormwater prevention plan lacks information for overall site erosion control. If you like, I will send you a go-by for your benefit. Address responsibility during the site development phase as well as the building phase. Identify the extent of sodding and seeding, when it will be placed, and by whom. Please provide an H/H report. Develop the out parcel (northwest corner) as necessary. The proposed grading indicates that sheet flow is combined for as many as four lots. Show flow routing between lots with drainage easements and provide swales where necessary. On the grading plan, show existing contours as dashed and light gray, and show proposed contours as continuous and dark. Show hammerheads at the ends of stub streets (except for the street going to the north). Show all pipes together on the drainage sheet. Be sure to use the County standard street section; ditch slopes should be no steeper than 3:1. Flow arrows along 63<sup>rd</sup> East Avenue are drawn incorrectly (high point at 5+02). Provide ditch flow and pipe flow information in chart form; some ditches may require additional erosion protection based upon analysis by your engineer. Show the pad elevations to be minimum elevations. Given the proposed elevations, and considering that a pad is the highest point of a lot, it appears that there may be interior flooding on the following lots (check overall site): a. Block 1, Lot 11, b. Block 2, Lots 1,4, 5, 8, c. Block 3, Lots 1,2,3,4,5, d. Block 4, Lots 1,2,3,4,12.

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.
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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; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the preliminary plat for Carriage Park per staff recommendation, subject to special conditions and standard conditions.

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- 9. PUD-811 – Roy D. Johnsen**, Location: Northwest corner of South Trenton Avenue and East 15<sup>th</sup> Street South, requesting a **PUD**, (CD-4), (Continued from 6/4/14 and 7/9/14) (**Staff is requesting a continuance to August 6, 2014**)

**STAFF RECOMMENDATION:**

Staff is requesting a continuance to August 6, 2014.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **CONTINUE** PUD-811 to August 6, 2014.

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- 10. CZ-433 – Coulter Law Firm, P.C.**, Location: South of southeast corner of South 65<sup>th</sup> West Avenue and West 51<sup>st</sup> Street, Request rezoning from **AG to IM**, (County) (Continued from 7/9/14)

**STAFF RECOMMENDATION:**

The applicant has not provided information illustrating the expected development plan for the site.

The total parcel of land is approximately 15 acres. The east portion of land contained in CZ-433 area is approximately 12.7 acres. This rezoning request is limited to the east portion that is outside the City of Sapulpa.

## **SECTION I: Detailed Staff Recommendation**

CZ-433 is adjacent to existing IM zoned sites to the South and East, and:

IM zoning is harmonious with the existing and expected development on the site and the existing surrounding properties, and;

Staff has been in contact with the Planner for the City of Sapulpa and confirmed that they support the proposed rezoning and will also support the rezoning request for the portion of the parcel that is inside the City of Sapulpa, therefore; staff recommends **APPROVAL** of CZ-433 for the rezoning from AG to IM.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This site is outside the limits of the Comprehensive Plan in the City of Tulsa and was not included in the Tulsa Metropolitan Area Comprehensive Plan. The west 301 feet of the subject property has been annexed by the City of Sapulpa. Access to South 65<sup>th</sup> West Avenue is through this western portion located within the City of Sapulpa.

The parcel of land has appropriate frontage and access to South 65<sup>th</sup> West Avenue. The rezoning request will require a subdivision plat that is partially in the City of Sapulpa and partially in Tulsa County,

The applicant intends to submit to the City of Sapulpa for a rezoning to Industrial for the western 301 feet of the site.

### **AREA DESCRIPTION:**

Site Analysis: The subject property is approximately 15+ acres in size and is located south of southeast corner South 65<sup>th</sup> West Avenue and West 51<sup>st</sup> Street. The property appears to be agriculture and is zoned AG.

Surrounding Properties: The subject tract is abutted on the east by a single family residence, zoned AG; on the north by a single family residence and a masonry company, zoned AG; on the south by a single family residence zoned RS and vacant land, zoned IM; and on the west by a pipe production facility, zoned IL/IM.

### **STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 65 <sup>th</sup> West Avenue	Secondary Arterial	100 feet	2

### **UTILITIES:**

The subject tract has no water and sewer available.



**SECTION III: Relevant Zoning History:**

**ZONING RESOLUTION:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the IM zoning for CZ-433 per staff recommendation.

**Legal Description for CZ-433:**

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 SW/4 NW/4 NW/4) LESS AND EXCEPT THE WEST 301 FEET THEREOF, AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4 NW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

\* \* \* \* \*

- 11.PUD-816 – Sisemore Weisz & Associates/Mark Capron**, Location: South of southeast corner of South 177<sup>th</sup> East Avenue and East 41<sup>st</sup> Street South, Requesting PUD, (CD-6) **(Staff is requesting a continuance to 8/20/14.)**

**STAFF RECOMMENDATION:**

Staff is requesting a continuance to August 20, 2014.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **CONTINUE** PUD-816 to August 20, 2014.

\* \* \* \* \*

12. **Z-6078-SP-5 – Rob Coday**, Location: North of northeast corner of South 101<sup>st</sup> East Avenue and East 66<sup>th</sup> Street South, Requesting a Corridor Development Plan for a gymnasium, office and warehouse associated with office space, **CO**, (CD-7)

**STAFF RECOMMENDATION:**

**APPLICANT CONCEPT**

The project will be a one story gymnasium and warehouse with space for offices relating to operation of the gymnasium and warehouse.

**DEVELOPMENT STANDARDS:**

Net land area: 2.36 acres

Uses Allowed: Use Unit 11; Offices, Studios and Support Services, Use Unit 19; Hotel, Motel and Recreation Facilities Use Unit 23; Warehousing and Wholesaling

Maximum Floor Area: 22,000 SF

Maximum Building Coverage: 30%

Maximum Building Height: 35 Feet

Minimum Parking Spaces: As required by associated Use Unit

Minimum Building Setbacks:  
From Centerline of S. 101st 50 feet

Signage: Ground and Wall signs shall meet the standards defined in the Corridor District of the Tulsa Zoning Code. Wall signs are prohibited on the East side.

Landscaping: All landscaping shall meet or exceed the minimum standards of Chapter 10 of the Tulsa Zoning Code.

Lighting: 35 ft maximum height for lighting in parking areas. Lighting used to illuminate an off-street parking area shall be so arranged as to shield and direct the light away from properties within an R District which do not contain uses for which the parking is being provided. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in an R District.

**DETAILED STAFF RECOMMENDATION:**

The Corridor Development Plan is compatible with the existing site and surrounding properties. West of this site are existing skating and swimming facilities. East of this site is an existing football field.

Z-6078-SP-5 is consistent with the Tulsa Comprehensive Plan.

**Staff recommends Approval of Z-6078-SP-5 as outlined in Section I above.**

**SECTION II: Supporting Documentation****RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The construction of the gymnasium/warehouse facility is consistent with the Comprehensive Plan designation of this area*

Land Use Vision:

Land Use Plan map designation:

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

Areas of Stability and Growth map designation:

This is an Area of Growth which identifies area 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:

The Major Street and Highway Plan has not been implemented in this area. South 101<sup>st</sup> East Avenue is designated as a Residential Collector.

DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 2+ acres in size and is located north of northeast corner S. 101<sup>st</sup> E. Ave. and E. 66<sup>th</sup> St... The property appears to be vacant and is zoned CO.

Surrounding Properties: The subject tract is abutted on the east by a school football field, zoned RS-3; on the north by a single family residence, zoned CO; on the south by a single family residence and vacant land, zoned CO; and on the west by a swimming facility and vacant land, zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 101 <sup>st</sup> East Avenue	Residential Collector	60 feet	2

UTILITIES:

The subject tract has municipal water. Provided plans indicated a septic system will be installed for the site.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 16498 dated November 18, 1985, established zoning for the subject property.

***Subject Property:***

**Z-6078-SP-2 March 1995:** All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> Avenue East.

**Z-6078-SP-1 July 6, 1994:** Staff recommended denial of a proposed Corridor Development Plan on a 2+ acre tract of land for and indoor and outdoor roller skate rink with a jogging/skating trail on property located north of the northwest corner of E. 66<sup>th</sup> St. and S. 101<sup>st</sup> E. Ave. The applicant requested to withdraw an application

**Z-6078 November 1985:** All concurred in approval of a request for rezoning a 10+ acre tract of land from RS-3 to CO for various uses, on property located on the northeast corner of E. 66<sup>th</sup> St. and S. Mingo Rd.

***Surrounding Property:***

**Z-6277-SP-3/ Z-6484-SP-1/ Z-6718-SP-1 October 2006:** All concurred in approval of a request for a Corridor Development Plan on a 13+ acre tract of land for commercial/office development, on property located northeast corner and northeast of the northeast corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> East Avenue.

**Z-6882 March 2003:** All concurred in approval of a request for rezoning a 2.9+ acre tract of land from OL to CO for church athletic fields, on property located south of southeast corner of East 63<sup>rd</sup> Street and South Mingo Road.

**Z-5903-SP-4 March 2003:** All concurred in approval of a proposed Corridor Site Plan on 6.3+ acre tract for church athletic fields, on property located south of southeast corner of East 63<sup>rd</sup> Street and South Mingo Road.

**Z-5903-SP-3 November 2002:** All concurred in approval of a proposed Corridor Site Plan on 1.1+ acre tract for a two-story office building, on property located southeast of southeast corner of East 63<sup>rd</sup> Street and South Mingo Road.

**Z-6673-SP-1/AC-47 April 1999:** All concurred in approval of a Corridor Site Plan on 4.56+ acre tract of land for a 75,000 square foot recreational vehicle storage and self-storage facility; also approving an Alternative Compliance to landscape requirements, located south of southwest corner of E. 63<sup>rd</sup> St. & S. 105<sup>th</sup> E. Ave.

**Z-5903-SP-2 April 1995:** All concurred in approval of a proposed Corridor Site Plan on 6.3+ acre tract for Miller Swim School, on property located south of southeast corner of East 63<sup>rd</sup> Street and South Mingo Road.

**Z-5903-SP-1 April 1995:** All concurred in approval of a proposed Corridor Site Plan on 3.25+ acre tract for indoor and outdoor skating rinks, on property located south of southeast corner of East 63<sup>rd</sup> Street and South Mingo Road.

**INTERESTED PARTIES COMMENTS:**

**Fred Lynn**, 6426 South 101<sup>st</sup> East Avenue, 74133, stated that his home is the only residence that will be affected by the rezoning. Mr. Lynn indicated that he have some concerns about the details in their plans. He would prefer the existing fence with the honeysuckle growing through it than a six-foot privacy fence that is proposed. Mr. Lynn expressed concerns with the double lights proposed flooding into his property.

**Applicant's Rebuttal:**

**Rob Coday**, P.O. Box 128, Keifer, 74041, stated that he has no objection with the existing fence, but he was providing a privacy fence to protect the homeowner. Mr. Coday further stated that it is his intent to exercise care and proper design so that the lights do not intrude onto neighbor's yards.

Mr. Lynn indicated that he has spoken with Mr. Coday on the phone and he seems easy to work with.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the Corridor Development Plan for Z-6078-SP-5 per staff recommendation.

**Legal Description for Z-6078-SP-5:**

SOUTH 47' OF LOT 4 AND ALL OF LOT 5, LESS THE E 150' OF LOT 5, BLOCK 7, UNION GARDENS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Mr. Wilkerson stated that Items 13, 14 and 15 are all similar in concept and in the same part of town. Mr. Wilkerson further stated that the three applications are all a part of "The 6<sup>th</sup> Street Infill Plan" area.

13. **Z-7274 – Eller & Detrich/Lou Reynolds**, Location: North and west of the northwest corner of East 6<sup>th</sup> Street South and South Peoria Avenue, Requesting rezoning from **FBC/RM-2 to CH** and remove this site from FBC Regulating Plan, (CD-4)

**STAFF RECOMMENDATION:**

Future expansion of the existing healthcare facility northwest of South Peoria Avenue at East 6<sup>th</sup> Street South is anticipated.

The applicant has not provided a development concept or a site plan for this request. Recent discussions with the land owner indicated that there were no immediate plans for re-development.

**DETAILED STAFF RECOMMENDATION:**

The rezoning request from Form Based Code (FBC) to CH is consistent with the land use designation in the Tulsa Comprehensive Plan and;

CH zoning is consistent with the Auto Oriented Commercial designation defined in the Pearl District – 6 Street Infill Plan that was amended in April 2014, and;

The CH zoning request is not consistent with the FBC Regulating Plan that is an essential component of the Form Based Code. The Regulating Plan defines this Frontage as Urban General Storefront on East 6<sup>th</sup> Street South and South Norfolk Avenue. Urban General Storefront Frontage requires new building

construction to be placed at the right of way line and surface parking to be placed approximately 30 feet from the street right of way, and;

CH zoning allows development that would be consistent with the Elm Creek/6<sup>th</sup> Street Conveyance Plan that was prepared for the regional detention facilities in this area, and;

CH zoning does not provide support or encouragement for site plan design or other design considerations that would support the Conveyance plan that was part of the Vision 2025 bond package or with the FEMA matching grant application adjacent to this site. Staff has met with the property owner and discussed a Planned Unit Development (PUD) as an option to encourage development consistent with this Plan. (See attached Letter from Dawn Warrick, AICP, City of Tulsa Planning and Development Department Director.)

Staff recommends **APPROVAL** of Z-7274 to rezone property from FBC to CH and removal from the FBC Regulating Plan.

## **SECTION II: Supporting Documentation:**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The planning effort on this area of Tulsa has been extensive and generally supports the rezoning request for a high intensity development that CH would allow. CH zoning allows many uses such as community services and similar uses, off-street parking, townhouse dwellings, multifamily dwellings offices, eating establishments, adult entertainment, mini storage, drive in restaurants, scientific research and warehousing and wholesaling. CH zoning does not have a maximum floor area ratio building heights or building setbacks.*

*Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6<sup>th</sup> Street Infill Plan.*

*The requested CH zoning allows many of the uses that Form Based Code allows, it also allows building setbacks adjacent to the public right of way however it does not encourage any of urban building forms that were an essential component of the Form Based Code*

### **Land Use Vision:**

*Land Use Plan map designation:* The site is completely inside the Downtown Neighborhood designation.

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 site is completely inside the Area of 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 is a multi modal corridor with a Bus Rapid Transit Plan stop at 6<sup>th</sup> street. This rezoning request will require a Plat or Plat waiver and should consider acquisition of appropriate right-of-way for installation of a rapid transit shelter.

RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6<sup>TH</sup> STREET INFILL PLAN)





proposed with funding provided by several sources including a Vision 2025 funding package and part of a recent FEMA grant application.

The concept illustrated below and included in the 6<sup>th</sup> Street Conveyance plan provided the image that the pond and adjacent properties would be an opportunity to create unique architectural landmarks that reinforce the urban character of the Pearl District.

### WEST PEARL DETENTION CONCEPT PLAN:

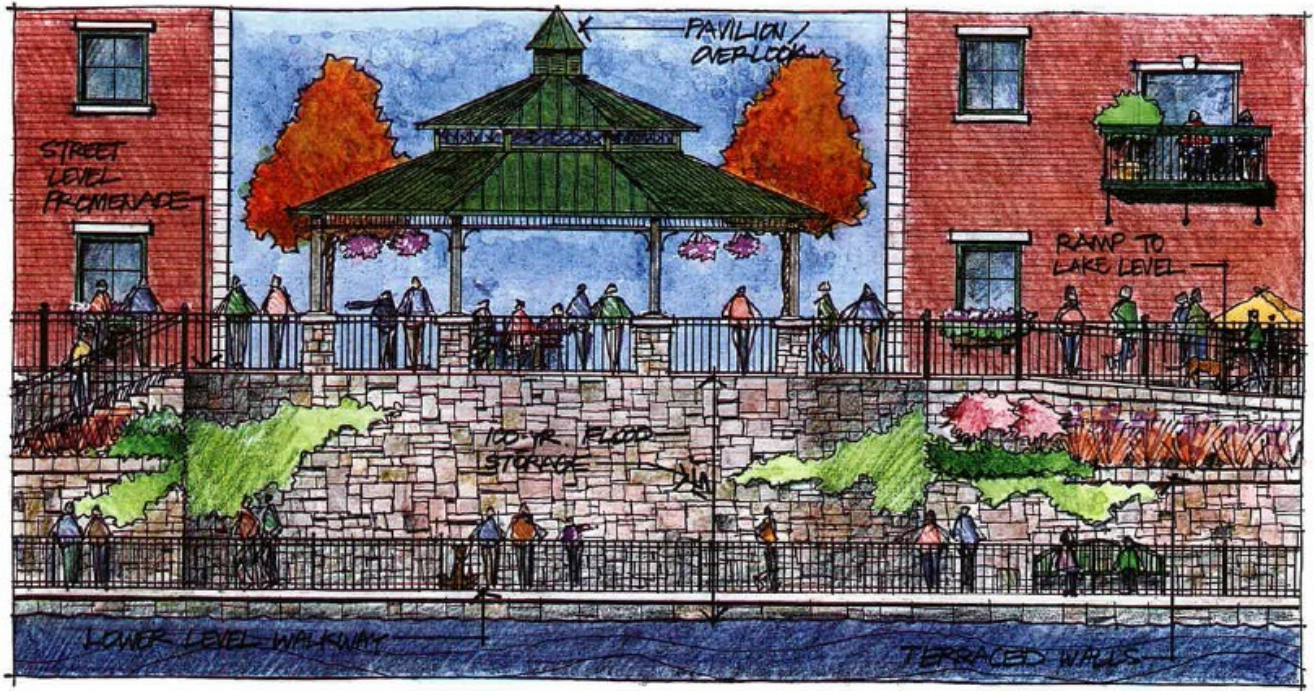
Red dashed line is limit of zoning request for Z-7275



Figure 5  
WEST PEARL - PROPOSED SITE PLAN



As shown previously in Figure 5, the West Pearl plan includes two large pavilions to be built on the north and south edges of the basin. These two pavilions are planned to be aligned with the centerline of Norfolk Avenue to enhance their visibility and physical access. As illustrated in the sketch below, the proposed open-air structures overlook the pond and create inviting places for social interaction. The pavilions also have the opportunity to create unique architectural landmarks that reinforce the urban character of the Pearl District.



West Pearl - Lake Overlook Elevation

7 - 30

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Much of the site adjacent to the south east edge of the planned urban detention facility has been demolished by the applicant. Surface parking has been constructed near the west end of Z-7274 and was approved by the Board of Adjustment. West of this site significant flooding has occurred and the storm water detention facility is part the solution for a regional flood problem. Redevelopment of this site will require carefully consideration of stormwater drainage and coordination with the planed facilities in this area.*

**Site Analysis:** The subject property is approximately 5+ acres in size and is located north and west of northwest corner of E. 6<sup>th</sup> St. South and S. Peoria Ave. The property appears to be used as a medical center and is zoned FBC and RM-2.

Environmental Considerations: There is no known terrain, soil or other environmental considerations that would affect the development of this site within the guidelines of CH zoning category. The proposed storm water detention facility adjacent to this site should be a consideration for any future development plans.

Surrounding Properties: The subject tract is abutted on the east by a mix of businesses including automotive repair, zoned IM; on the north by a Church, vacant property and industrial properties , zoned RM-2 and IL; on the south by a large stormwater detention facility and community center, zoned FBC; and on the west by the VFW, zoned FBC.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 6 <sup>th</sup> St.	Collector	80 feet	4
East 5 <sup>th</sup> Pl.	NA	50 feet	2
South Peoria Ave.	Urban Arterial	70 feet	4
S. Norfolk Ave.	NA	50 feet	2
S. Owasso Ave.	NA	50 feet	2

**UTILITIES:**

The subject tract has municipal water and sewer available.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 22551 dated November 8, 2011, and number 11814 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**Z-7176 November 2011:** All concurred in approval of a request for rezoning a 60+ acre tract of land from RM-2, CS, IL, OL, CH, CS, RM-3, PK and PUD-629 to FBC for mixed uses on property located at E. 6<sup>th</sup> St. South and S. Peoria Avenue (Pearl District Area).

**BOA-20217 April 11, 2006:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking in an RM-2 district; to remove the screening requirements along E. 5<sup>th</sup> Pl, E. 6<sup>th</sup> St., and S. Norfolk; and to permit required parking on a lot not containing the principal use, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and **approved** a *Variance* of the parking lot setback from the centerline of abutting streets in an R district, per plan, subject to Exhibit A provided by the applicant; the lighting will be directed down and away from the north and west boundaries; to amend the existing tie agreement to include the additional property (to permit a significant

parking lot); located on the South side of East 5<sup>th</sup> Place between South Norfolk and South Peoria Avenue.

**BOA-19780 March 23, 2004:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking on Tract II in an RM-2 district; a *Special Exception* to permit required off-street parking spaces for the planned building expansions in Tract I to be located on Tract II; a *Variance* permitting the setback of the proposed parking areas: From the centerline of E. 5<sup>th</sup> Pl. 50' to 35'; from S. Owasso Ave. 50' to 35'; and from E. 6<sup>th</sup> St. 50' to 35'; and a *Special Exception* removing the screening requirement along E. 5<sup>th</sup> Pl. and E. 6<sup>th</sup> St. and along the west boundary of Tract II, per amended plan, with condition for a tie-agreement between Tract I and II for parking; located on the subject property.

**BOA-18204 October 13, 1998:** the Board of Adjustment **approved** a *Special Exception* to remove the screening requirement between the CS and RM-2 districts to the west and south; located on the subject property.

**Z-6507 November 1995:** All concurred in approval of a request to rezone a 3+ acre tract from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa, located on the northwest corner of East 6<sup>th</sup> Street and South Peoria Avenue.

***Surrounding Property:***

**PUD-629 April 2000:** All concurred in approval of a proposed Planned Unit Development on a 2+ acre tract, for a mixed use development (The Village at Central Park) to include residential, retail and office uses, located on the west side of South Peoria Avenue at East 8<sup>th</sup> Street South. Z-7176 rezoned this property to FBC. Language in that ordinance abandoned the PUD

***Applicant's Comments:***

**Lou Reynolds,** 2727 East 21st Street, 74114, representing the Indian Healthcare Resource Center (IHRC), stated that none of the property that is intended for development is in the Form-Based Code area. It is zoned CH and RM-2 and he wants to be accurate about that. There are things that need to be discussed because we are talking about little things, but they matter a lot to everybody. Mr. Reynolds stated that in the staff report it touched on that a parking lot could be built up next to a street and the City of Tulsa has done that twice within Centennial Park. Mr. Reynolds submitted photographs of the IHRC's parking lots and dumpster site (Exhibit A-1). Mr. Reynolds commented that the IHRC has the best looking parking lots and dumpster site and no one had to tell them to do it. Mr. Reynolds stated that he is in agreement with staff's recommendation for approval of CH zoning.

Mr. Reynolds commented that anything the IHRC wants to do it seems to draw criticism. He explained that the IHRC spent close to \$400,000.00 dollars

decorating the traffic median at 6<sup>th</sup> and Peoria with the Medicine Wheel Park. There was no City money and the IHRC maintains the median and there was a fight to do that.

Mr. Reynolds requested the CH zoning and the intention is to build a wellness center and move the ophthalmology clinic. Mr. Reynolds stated that IHRC has done things right from the very beginning and they don't need to be told how to develop. IHRC is very committed to the subject area and the property for the next project.

**TMAPC COMMENTS:**

Mr. Reeds asked what the zoning was before the FBC zoning. Mr. Reynolds stated that some of it was CH and some of it is RM-2.

**INTERESTED PARTIES COMMENTS:**

**Jim Cameron**, 3408 East 62<sup>nd</sup> Street, 74136, IHRC Board of Trustees, stated that he has been the person responsible for the oversight of all of the development that has been done since 1995. Mr. Cameron further stated that the IHRC acquired Longfellow School in 1995, demolished the school and developed the first facility that was 25,000 square feet and planned for an additional 25,000 square feet in the future. Mr. Cameron explained that IHRC moved into the first facility in the late 90's and then ten years later the facility had grown enough to plan the second facility. Throughout the entire situation, from the very beginning, IHRC has been opposed at every junction by someone, either City or residential. This has been tremendously disappointing to the Board of Trustees, and to him personally because IHRC has done everything that could be reasonably be expected of any entity to do and exceeded every requirement of the City, whether it be landscaping or parking. Mr. Cameron described the resistance that the IHRC has experienced throughout their development and described it as a "toxic atmosphere". Mr. Cameron explained that he has been a resident of Tulsa for a long time and he doesn't understand because the IHRC has been a good neighbor. He stated that IHRC has opened their parking lots to Centennial Park, events for the subject area, and serve 15,000 people in healthcare and if IHRC wasn't there the patients would be in emergency rooms or not seeking healthcare. Mr. Cameron requested that IHRC be graded on what they have done and not criticized. Mr. Cameron requested that the CH zoning be approved.

**Nan Kemp**, 738 South Norfolk, 74120, Village at Central Park, stated that she and her husband are both investors at the Phoenix across the street from IHRC. Ms. Kemp stated that she invested in the subject area because she saw it as a good neighborhood and an area that was ripe for redevelopment into an urban pedestrian friendly neighborhood. She further stated that she feels that the Form-Based Code is the best way to achieve the redevelopment. Ms. Kemp commented that she is proud to have the IHRC in the subject area, she also likes the VFW and the American Legion and they have been good neighbors. The

property that exists, IHRC, in her respect it does conform to the Form-Based Code, it is a two-story looking building, brick building, pedestrian friendly sidewalks along 6<sup>th</sup> Street and it looks like a nice facility with landscaping. Ms. Kemp stated that she doesn't see any reason why they could not do their wellness center to the north of the subject property under the Form-Based Code. Form-Based Code wouldn't change the function of the building, but it may change the way it looks, it would have to be two-story instead of one-story and it might change where the parking lots are located. It might be more internal as opposed to external, but that doesn't mean it can't be done under the Form-Based Code. There is not good reason why the IHRC couldn't develop under the Form-Based Code. Ms. Kemp commented that CH zoning allows uses that might not be appropriate and would prefer to have residential around the retention pond that is going to be built, but a wellness center will be a good thing too. Ms. Kemp further commented that though the IHRC has done a good job in the past, there is no requirement under CH to make them continue the good stewardship.

**Julian Morgan**, 418 South Peoria Avenue, 74120, stated that her property is northeast of the subject tract. Ms. Morgan expressed concerns with the proposed retention pond and to secure that funding, part of it was to keep density and have a better return on investment. Ms. Morgan stated that if the property values are not there, there is no return on investment; housing would bring more tax return than a parking lot. Ms. Morgan explained that she is speaking about the original intention of the 6<sup>th</sup> Street Infill Plan and where the retention ponds would be placed in the subject area. Ms. Morgan stated that she moved into the neighborhood because of the 6<sup>th</sup> Street Infill Plan. Ms. Morgan commented that she is worried that this sets a bad precedent to small businesses that rely on the 6<sup>th</sup> Street Infill Plan to see the future of the area and then to have it picked away slowly is a little scary. Ms. Morgan stated that she isn't opposed to changes to the Plan, but she doesn't like the way it has been done. Ms. Morgan requested that the citizens receive as much information as possible from the City Planning Staff and INCOG with regard to the changes and not have slow changes over time that ruins the comprehensive idea of the Plan.

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, stated that he lives across the street from the IHRC and attend meetings there regularly and very familiar with the building and surroundings. Mr. Jamieson further stated that he is the developer of the Villages at Central Park. Mr. Jamieson accused this application and the two additional applications in the subject area as being a stunt to discredit the Form-Based Code. Mr. Jamieson stated that the IHRC is making a significant change here and hasn't told anyone and they have always played their cards close to the chest. Mr. Jamieson indicated that the IHRC did participate in the 6<sup>th</sup> Street Infill Plan back in 2000. Mr. Jamieson explained that the IHRC is well aware of the idea with the ponds and the safety issues. Mr. Jamieson indicated his opposition on how the IHRC wants to develop their wellness center. Mr. Jamieson explained that the City of Tulsa has requested five million dollars

from FEMA to install the retention ponds and he is concerned that the plan would be changed at this time when the plan calls for dense residential. Mr. Jamieson further explained that voters agreed to invest five million dollars to facilitate redevelopment for the land around the stormwater detention facility.

**Applicant's Rebuttal:**

Mr. Reynolds stated that nothing that the IHRC has complies with Form-Based Code, it is all one story and the wellness center will be a one-story building. Mr. Reynolds further stated that the IHRC is consistent with the Comprehensive Plan and it was amended to allow this. Mr. Reynolds commented that earlier on everyone was told that the Form-Based Code was a pilot plan and let this area be a pilot, but it was never intended to be a pilot, that was a ruse/Trojan horse to get around some funding issues and this later came up and was brought before this Board. Mr. Reynolds stated that the proposed development has been seriously thought out. The IHRC fits in the subject area and they are a dense development.

**TMAPC COMMENTS:**

Mr. Dix asked Mr. Reynolds if the IHRC is tax exempt. In response, Mr. Reynolds answered affirmatively.

Mr. Reeds stated that Mr. Reynolds mentioned in his presentation that he didn't want to be told what to do, but you are okay with abiding by the rules of CH zoning, which does tell you what to do. Mr. Reynolds answered affirmatively. Mr. Reeds stated that then Mr. Reynolds is okay with being told what to do. Mr. Reynolds stated that he is in agreement with being told what to do up to a point. Mr. Reeds asked Mr. Reynolds why he couldn't accept something that is essentially more neighborly way of looking at it, than being obstinate and going with the CH zoning. Mr. Reeds asked Mr. Reynolds why he accepts one and not the other. Mr. Reynolds stated that he can't get a promise back that that is what it will look like on the other side. The City is not in a position to promise because they don't own any land and they can't build that way and they may not build that way. Mr. Reeds stated that the City can't give any promises with CH either. Mr. Reynolds stated that IHRC doesn't need a promise with the CH zoning and if the City feels that they should build a certain way, they should promise IHRC that they will build theirs that way too. Mr. Reynolds explained that a one year ago the City asked the IHRC to build their building out on Peoria and all of these plans were still in effect, the plans has a 2010 date on it. Then two weeks ago the City came and said build the building back by Owasso. Mr. Reynolds further explained that if the City would be in covenant with the IHRC and agree that they would build the same, then one can go along with their plan, but it can't be done and they aren't in a position to do so, but yet they are demanding covenants from IHRC. Mr. Reynolds stated that the 2010 is poorly thought out and inaccurate, this is supposed to be a public park and there is not a single parking space for anyone anywhere near around it. Mr. Reynolds further stated that the IHRC is stating that they are going to develop their property just like they have always



done it. The City is demanding that the IHRC have standards, but they can't give IHRC any standards. Mr. Reynolds explained that the City had requested that IHRC file a PUD as part of this zoning and he feels that is unreasonable because the City has nothing, at best a plan, they are not in a position to promise their own development. The City is still waiting on money from FEMA, which hasn't come through. Mr. Reeds stated that Mr. Reynolds is talking about the retention pond, which is the focus of the FBC design. Mr. Reynolds stated that he is talking about the retention ponds, but it has nothing to do with the FBC, it was amended in April to allow this proposal. The pond is called a layer, but it is a phantom and may never get built because if the City never gets the money from FEMA they will not build it. Mr. Reynolds reiterated that he is happy to accept the restrictions of CH zoning, but not happy to accept anymore because he doesn't feel there is a need to. Mr. Reeds stated that he is just confounded by Mr. Reynolds as a zoning expert; Mr. Reeds explained that he truly respects Mr. Reynolds opinions, but zoning is put in place to make a City work together and it changes to make a better City as a result. Mr. Reeds further explained that he is confounded why you guys are fighting against this and being okay to go back to CH zoning but not okay with something that the IHRC has participated with for many years. Mr. Reynolds stated that the IHRC didn't participate with it for many years. Mr. Reeds asked why they showed up for the meetings if they didn't participate. Mr. Reynolds stated that the IHRC wasn't in those plans and often times they were excluded. Mr. Reynolds stated that the meetings were not public meetings and IHRC was not invited to the meetings. Mr. Reynolds explained that this is something that he has gone through for years with this board, the meetings were not public, they were not posted, there are no public minutes, and there is no record of a public meeting on the Pearl District 6<sup>th</sup> Street Infill Plan. Mr. Reynolds stated that IHRC were not participants in the Form-Based Code and it was written without any participation of IHRC and that is part of the reason the Comprehensive Plan was amended back in April, which was to reflect the desires of the land owners and people that really own properties in the subject area.

Mr. Midget stated that IHRC was a part of the earlier 6<sup>th</sup> Street Infill Plan in that Russell Burkhart participated. Mr. Midget further stated that the Form-Based Code issue is different. Mr. Midget explained that the IHRC was the real catalyst in the revitalization and the first new redevelopment in the subject area. The word "Form-Based Code" was thrown in there, but no one had any idea or knew what it really was. Mr. Reynolds stated that in the result of the Form-Based Code, the IHRC doesn't comply at the end result of that and that is what this is about.

Mr. Midget stated that he wanted to acknowledge that he has had ex parte communication with both Mr. Cameron and Mr. Jamieson in order to find out more about the application.

Mr. Midget explained that in the past he has expressed his concerns about the CH zoning and the uses that CH allows. Mr. Midget stated that he is less concerned with the current owners of the subject property because they have demonstrated the willingness to have a quality development. Mr. Midget commented that he hasn't seen anything today that diminishes the architectural standards or the details that they have already provided in the current development. Mr. Midget stated that in the CH zoning there can still be houses built. In terms of the detention facility from the City's standpoint, it has been approved locally and has gone to D.C., but the City is waiting on the FEMA money needed to finish the development. The Citizens of Tulsa did commit to the detention facility in the subject area to help encourage redevelopment. The Elm Creek detention plan is a major project. Mr. Midget concluded that under any other circumstances he would be concerned with CH, but knowing the ownership and their past developments, he doesn't think they would do anything that would harm the area or the positive development that people are looking for or expecting in this neighborhood.

Mr. Dix stated that this always comes back to property rights and the owners should be able to do with it for what their needs arise and they have demonstrated the ability to develop the existing properties in an eye-pleasing and manner consistent with the highest standards one could ask for in a zoning. Mr. Dix further stated that he has less concerns about this than Mr. Midget. Mr. Dix commented that with our move toward allowing property owners on Form-Based Code to be "opt-in", which is something he has always wanted from the beginning rather than a group of non-property owners enforcing this on property owners that didn't want it in the first place. Mr. Dix concluded that the IHRC never wanted to be included in the FBC zoning and he is in support of this application.

Mr. Reeds stated that he understands Mr. Reynolds frustration regarding the detention ponds due to his own experience with the Arkansas River. Mr. Reeds asked where would the detention ponds be if they are not built here and is there an alternative. Mr. Wilkerson stated that he hasn't seen an alternative. Mr. Wilkerson explained that there is a Master Plan for the Elm Creek Drainage Basin and all of those plans have shown some level of stormwater detention at that general location. Mr. Wilkerson stated that the Plan also shows additional ponds east of the subject site, but it doesn't affect the subject general area. Mr. Reeds asked which zoning would give the applicant more building floor area, FBC or CH. In response, Mr. Wilkerson stated that there are no limitations in the CH zoning on the amount of floor area that one can develop. The Form-Based Code has some design guidelines for how a building could be, but there are no parking requirements. Mr. Wilkerson commented that the potential is there for more floor area in the CH zoning and one is losing the design guidelines. Mr. Wilkerson reminded Mr. Reeds that the 6<sup>th</sup> Street Infill Plan was amended this year at the subject location to change it to the auto-centric type use and the

regulating plan has not been changed and part of this process today is to remove the regulating plan for the subject area.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the Z-7274 to rezone property from FBC to CH and removal from the FBC Regulating Plan per staff recommendation.

**Legal Description for Z-7274:**

Lot 1, Block 1, Indian Health Care Resource Center, AND Lots 1 thru 6 and Lots 10 thru 12, Block 10, together with the vacated alley adjacent thereto, Central Park Place, AND Lots 7 thru 14, Block 8, Central Park Place, additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

14. **Z-7275 – Austin P. Bond, Esq.**, Location: Northeast corner of East 6<sup>th</sup> Street South and South Norfolk Avenue, Requesting rezoning from **FBC to CH** and remove this site from FBC Regulating Plan, (CD-4)

**STAFF RECOMMENDATION:**

The applicant has not provided a development concept or a site plan for this request.

**DETAILED STAFF RECOMMENDATION:**

The rezoning request from Form Based Code (FBC) to CH is consistent with the land use designation in the Tulsa Comprehensive Plan and;

CH zoning is consistent with the Auto Oriented Commercial designation defined in the Pearl District – 6th Street Infill Plan that was amended in April 2014, and;

The CH zoning request is not consistent with the Regulating Plan that is an essential component of the Form Based Code. The Regulating Plan defines this Frontage as Urban General Storefront on East 6<sup>th</sup> Street South and South Norfolk Avenue. Urban General Storefront Frontage requires new building construction to be placed at the right of way line and surface parking to be placed approximately 30 feet from the street right of way, and;

In the event that CH zoning is approved, the Regulating Plan should be amended to remove this site from that plan, and;

CH zoning allows development that would be consistent with the Elm Creek / 6<sup>th</sup> Street Conveyance Plan that was prepared for the regional detention facilities in this area, and;

CH zoning does not provide support or encouragement for site plan design or other design considerations that would support the Conveyance Plan that was part of the Vision 2025 bond package or with the FEMA matching grant application north of this site, and;

Staff recommends **APPROVAL** of Z-7275 to rezone property from FBC to CH and **REMOVAL** from the FBC Regulating Plan.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The planning effort on this area of Tulsa has been extensive. The current Small Area Plan and the Tulsa Comprehensive Plan generally supports the rezoning request for a high intensity development that CH would allow. CH zoning allows many uses such as community services and similar uses, off-street parking, townhouse dwellings, multifamily dwellings offices, eating establishments, adult entertainment, mini storage, drive in restaurants, scientific research and warehousing and wholesaling. CH zoning does not have a maximum floor area ratio, building heights or building setbacks.*

*Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6<sup>th</sup> Street Infill Plan.*

*The requested CH zoning allows many of the uses that Form Based Code allows, it also allows building setbacks adjacent to the public right of way however it does not encourage any of urban building forms that were an essential component of the Form Based Code.*

*Z-7275 is adjacent to an Urban General Frontage in the Regulating Plan which requires new buildings to be placed at the right of way line and parking is required to be setback a minimum of 30 feet from the right of way line.*

### **Land Use Vision:**

*Land Use Plan map designation:* The site is completely inside the Downtown Neighborhood designation.

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 site is completely inside the Area of 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:

East 6<sup>th</sup> Street South is a Collector Street that connects the Central Business District with the University of Tulsa. 6<sup>th</sup> street was vital to the vision included in the Pearl District – 6<sup>th</sup> Street Infill Plan.

6<sup>th</sup> Street South is also part of the Transit System that would ultimately connect to the Bus Rapid Transit system on Peoria approximately two blocks from the site.

RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6<sup>TH</sup> STREET INFILL PLAN)

*Staff Comment: This site is included in the Form Based Code Regulating Plan. The land use designation of Mixed Use Infill was changed to Auto-Oriented Commercial as part of the 2014 Small Area Plan amendments. Therefore, the FBC Regulating Plan is no longer consistent with the Small Area Plan.*

### Small Area Plan Land Use Vision:

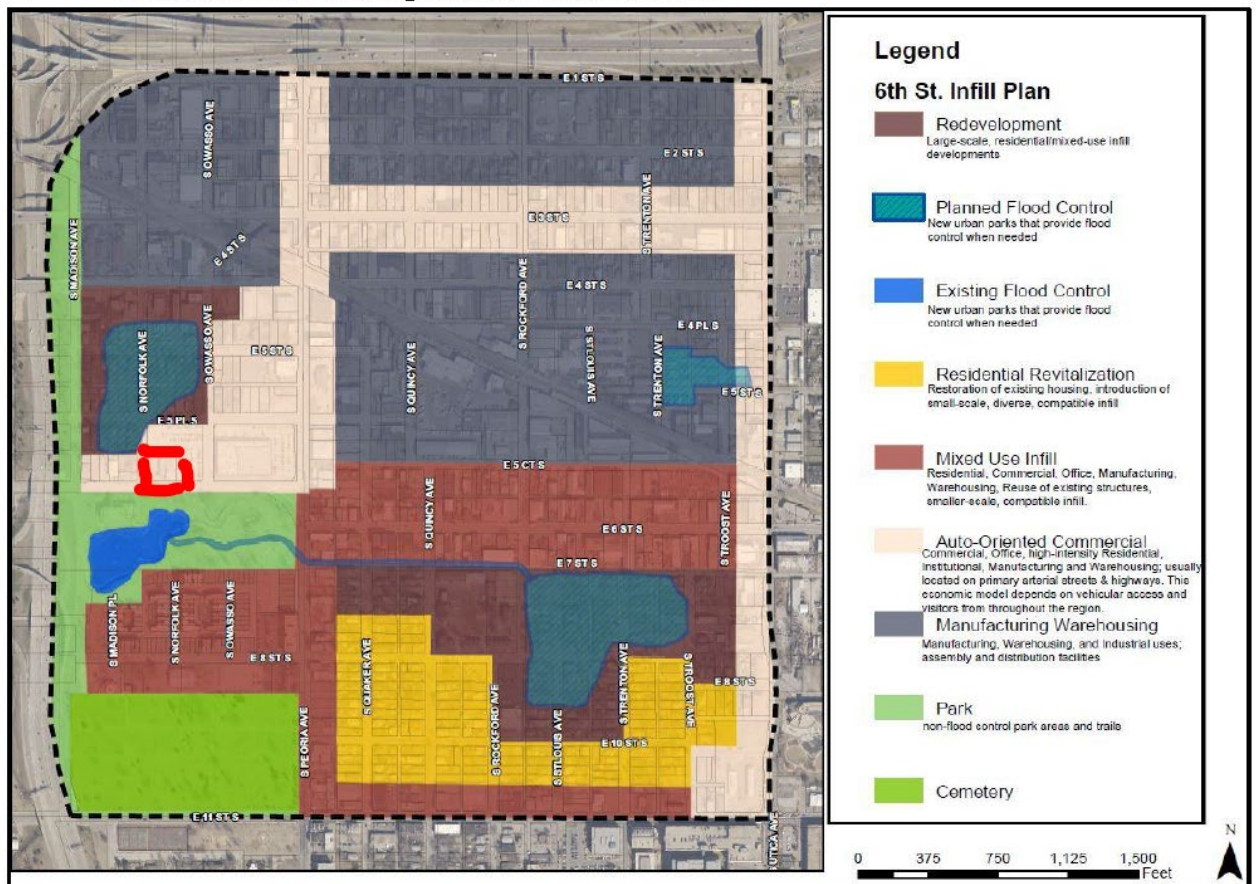
The site is completely included an Auto Oriented Commercial District defined in the 6<sup>th</sup> Street Infill Plan which was amended in April 2014. This Auto Oriented Commercial District was originally Mixed Use Infill supporting the anticipated public investment in the regional detention facility.

The Auto Oriented Commercial district is defined as “Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region”

### Pearl District – 6<sup>th</sup> Street Infill Plan Land Use Map:

Z-7275 outlined in red below:

#### 16.2. General Urban Design Recommendations



### Special District Considerations:

Z-7274 is adjacent to the Regional Detention facility identified as the West Pearl Detention facility included in the March 2010 Elm Creek / 6<sup>th</sup> Street Drainage, Detention and Conveyance Plan. Within that plan a large detention facility was



proposed with funding provided by several sources including a Vision 2025 funding package and part of a recent FEMA grant application. The concept illustrated below and included in the 6<sup>th</sup> Street Conveyance plan provided the image that the pond and adjacent properties would be an opportunity to create unique architectural landmarks that reinforce the urban character of the Pearl District.

**West Pearl Stormwater Detention Conceptual Plan:**  
Z-7275 outlined in red below:



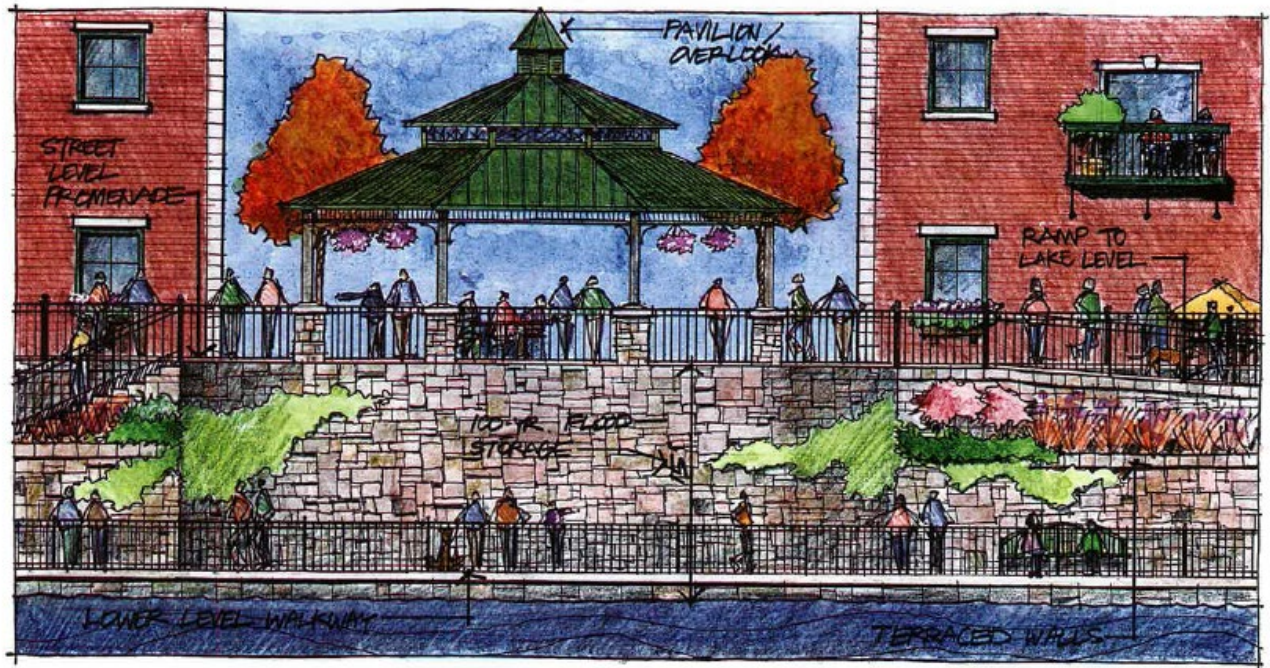
Figure 5  
WEST PEARL - PROPOSED SITE PLAN

## West Pearl Detention Conceptual illustration of pond edge:

### SECTION 7

### PRELIMINARY DETENTION/CONVEYANCE PLANS

As shown previously in Figure 5, the West Pearl plan includes two large pavilions to be built on the north and south edges of the basin. These two pavilions are planned to be aligned with the centerline of Norfolk Avenue to enhance their visibility and physical access. As illustrated in the sketch below, the proposed open-air structures overlook the pond and create inviting places for social interaction. The pavilions also have the opportunity to create unique architectural landmarks that reinforce the urban character of the Pearl District.



West Pearl - Lake Overlook Elevation

7 - 30

Historic Preservation Overlay: None

### DESCRIPTION OF EXISTING CONDITIONS:

**Site Analysis:** The subject property is approximately 0.5+ acres in size and is located northeast corner of E. 6<sup>th</sup> St. and S. Norfolk Ave. The property is currently an existing Veterans of Foreign Wars building with surface parking and is zoned FBC.

**Environmental Considerations:** There is no known terrain, soil or other environmental considerations that would affect the development of this site within the guidelines of CH zoning category. The proposed storm water detention facility north of this site should be a consideration for any future development plans.

**Surrounding Properties:** The subject tract is completely surrounded by Form Based Code zoning. Northeast of the site is surface parking, west of the site is an auto repair shop, south of the site is the storm water detention facility and



Community Center building. The northwest tip of the property is across the street from single family residential property zoned RM-2 and is part of the proposed west pearl detention facility.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 6 <sup>th</sup> Street	Collector	80 feet	4
South Norfolk Avenue	NA	50 feet	2

**UTILITIES:**

The subject tract has municipal water and sewer available.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 22551 dated November 8, 2011, established zoning for the subject property.

***Subject Property:***

**Z-7176 November 2011:** All concurred in approval of a request for rezoning a 60+ acre tract of land from RM-2, CS, IL, OL, CH, CS, RM-3, PK and PUD-629 to FBC for mixed uses on property located at E. 6<sup>th</sup> St. and S. Peoria Avenue (Pearl District Area).

***Surrounding Property:***

**PUD-629 April 2000:** All concurred in approval of a proposed Planned Unit Development on a 2+ acre tract, for a mixed use development (The Village at Central Park) to include residential, retail and office uses, located on the west side of South Peoria Avenue at East 8<sup>th</sup> Street South.

**BOA-20217 April 11, 2006:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking in an RM-2 district; to remove the screening requirements along E. 5<sup>th</sup> Pl, E. 6<sup>th</sup> St., and S. Norfolk; and to permit required parking on a lot not containing the principal use, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and **approved** a *Variance* of the parking lot setback from the centerline of abutting streets in an R district, per plan, subject to Exhibit A provided by the applicant; the lighting will be directed down and away from the north and west boundaries; to amend the existing tie agreement to include the additional property (to permit a significant parking lot); located on the South side of East 5<sup>th</sup> Place between South Norfolk and South Peoria Avenue.

**BOA-19780 March 23, 2004:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking on Tract II in an RM-2 district; a *Special*

*Exception* to permit required off-street parking spaces for the planned building expansions in Tract I to be located on Tract II; a *Variance* permitting the setback of the proposed parking areas: From the centerline of E. 5<sup>th</sup> Pl. 50' to 35'; from S. Owasso Ave. 50' to 35'; and from E. 6<sup>th</sup> St. 50' to 35'; and a *Special Exception* removing the screening requirement along E. 5<sup>th</sup> Pl. and E. 6<sup>th</sup> St. and along the west boundary of Tract II, per amended plan, with condition for a tie-agreement between Tract I and II for parking; located on the subject property.

**BOA-18204 October 13, 1998:** the Board of Adjustment **approved** a *Special Exception* to remove the screening requirement between the CS and RM-2 districts to the west and south; located on the subject property.

**Z-6507 November 1995:** All concurred in approval of a request to rezone a 3+ acre tract from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa, located on the northwest corner of East 6<sup>th</sup> Street and South Peoria Avenue.

**Applicant's Comments:**

**Austin Bond**, Veteran's of War #577, 9 East 4<sup>th</sup> Street, 74120, representing the VFW as the Senior Vice Commander, stated that the VFW has been good neighbors and appreciate the generosity the IHRC and the American Legion has given to the VFW. Mr. Bond further stated that the VFW has been present and encouraging development long before the 6<sup>th</sup> Street Plan and FBC Code. The VFW has been there for almost 100 years and considers themselves a vital part of the community. Mr. Bond indicated that the VFW provides over four million dollars a year in benefits for returning veterans with combat related injuries. The least restrictive way for the VFW to continue their mission on subject property is to go back to commercial base zoning. The only substance issue he has heard on the previous case is parking related issues. Mr. Bonds stated that he believes that their parking is adequate right now and the VFW has a sharing agreement with the IHRC. Mr. Bond commented that the only parking issue the VFW has is when the City uses the facility for the Mayor's Veteran's Committee meeting. Mr. Bond requested that the Planning Commission approve the staff recommendation and approve the CH zoning as requested.

**INTERESTED PARTIES COMMENTS:**

**Nan Kemp**, 738 South Norfolk, 74120, stated that her question is what use the VFW wants to make of the building that they can't currently do under the Form-Based Code. She doesn't see where changing from FBC to CH improves the situation in any way or make it any use and why now. The building is two-story brick, up to the sidewalk, which are all the things that FBC asks for. Mr. Kemp stated that the VFW is a nice facility and she is glad to have them in the neighborhood and glad that they have been there for 100 years and continue to be there for 100 years. Ms. Kemp expressed concerns for the uses that are

allowed under CH zoning if the VFW ever sold their building. Ms. Kemp requested that the Planning Commission deny the CH zoning.

**TMAPC COMMENTS:**

Mr. Dix asked Ms. Kemp if she understands that Form-Based Code basically allows anything and protects the neighborhood less in the event of a sale. Ms. Kemp stated that FBC allows commercial and residential to co-exist. Mr. Dix stated that it allows any use. Ms. Kemp stated that it does allow any use, which is exactly what she is talking about and allows us to work together. Mr. Dix stated that FBC allows any use within the building and CH zoning has limitations. Ms. Kemp stated that CH doesn't limit very many uses. Mr. Dix stated that he takes exception that one is more protected by FBC than with CH zoning. Ms. Kemp stated that she understands what Mr. Dix is stating, but from an esthetic view she feels better under the FBC than the CH zoning. Mr. Dix stated that Ms. Kemp's comments related to use and not how it looked. Ms. Kemp stated that it is a matter of opinion whether one is protected more under CH zoning rather than FBC.

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, stated that he is opposed to this application. Mr. Jamieson expressed concerns that their best interest is not being well served at all, rather they realize it or not. The VFW hasn't reached out to its neighbors lately and no idea of what may be going on in regard to this important neighborhood asset. Under the FBC the VFW is not required to meet any parking requirements and if it is allowed the CH zoning then it will be a legal non-conforming use. Mr. Jamieson used his last few minutes to reiterate his opposition to the IHRC rezoning to CH zoning (Z-7274).

**Applicant's Rebuttal:**

Mr. Bond stated that whatever the final form of what the Form-Based Code would look like it would appear now that the VFW would be in more esthetically conforming to that than Mr. Jamieson's residence or development. Mr. Bond explained that he is not opposing FBC because of esthetics; it is about the use of the VFW, which is to serve the members. The membership unanimously believes that the best way to do that is to return to CH zoning. Mr. Bonds wanted to address accusations made that they aren't being good neighbors or meeting with the neighbors. The VFW has long been opposed to the FBC, but they are not opposed to development on 6<sup>th</sup> Street. Returning the VFW to its original status and allowing them to continue to be good partners and good neighbors is the best thing for the City and the best thing for the neighborhood. There are some real areas of concern for the VFW. The auto-centric zoning is best for the VFW because two-thirds of the members have disabilities that they suffer as a result of their service or combat. Having parking mandated for the VFW is something they would like going forward. There has been some talk about possibly liquidating the VFW properties and no longer being there. As a former Armory from the Oklahoma National Guard, the VFW would revert back to the military department and once that happened that would be an issue that wouldn't

be before this body, but an issue for the State of Oklahoma. The VFW will present on the subject property and not going anywhere. Mr. Bonds welcomed everyone to the VFW at anytime to discuss development along 6<sup>th</sup> Street and developing it in the least restrictive way.

Mr. Carnes moved to approve per staff recommendation, Mr. Midget seconded.

Mr. Reeds stated that he respects the VFW and it does have a great bar. Mr. Reeds stated that he doesn't understand why the VFW would be against a zoning designation that allows it to build more and not have as much parking, when there is already an agreement with the Indians to share parking. Mr. Reeds stated that Mr. Bond is actually limiting the options to his client and they seem to be okay with it.

Mr. Dix stated that again this is the property owner wanting to do with their property what is best for them. Mr. Dix further stated that in either case he has not seen a compelling reason to not allow them to do that. Mr. Dix stated that the lack of a compelling reason is his basis for supporting the rezoning.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the Z-7275 to rezone property from FBC to CH and **REMOVAL** from the FBC Regulating Plan per staff recommendation.

**Legal Description for Z-7275:**

LOTS 7 THRU 9 AND SOUTH 10' VAC ALLEY ADJ ON N BLK 10, CENTRAL PARK PLACE, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

15. **Z-7276 – S. Douglas Dodd, Esq.**, Location: West of southwest corner of East 8<sup>th</sup> Street South and South Peoria Avenue, Requesting rezoning from **FBC to OL** and remove this site from FBC Regulating Plan, (CD-4)

**STAFF RECOMMENDATION:**

The applicant has not provided a development concept or a site plan for this request.

**DETAILED STAFF RECOMMENDATION:**

The rezoning request from Form Based Code (FBC) to OL is not consistent with the Downtown Neighborhood Designation in the Tulsa Comprehensive Plan and;

OL zoning is not consistent with the Mixed Use Infill designation defined in the Pearl District – 6th Street Infill Plan, and;

OL zoning requires substantial building setbacks, low building density, and provides site planning obstacles that could be implement within the FBC development standards, and;

This site is surrounded by FBC properties and there are no known re-development plans for this site. The existing site can remain exactly like it is or significant improvements can be made within the standards of the FBC zoning category, therefore;

Staff recommends **DENIAL** of Z-7276 to rezone property from FBC to OL.

*In the event that OL Zoning is approved, the Regulating Plan must be amended to remove this site from that Plan and should be part of the motion by the Planning Commission.*

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The Tulsa Comprehensive Plan does not support the rezoning request for a Light Office development in a Downtown Neighborhood. The OL zoning allows many low density uses such as Single-Family Dwellings, Duplex Dwelling, Townhouse Dwelling, Off-street Parking and Offices, Studios and Support Services.*

*OL zoning does not allow Community Services and Similar uses without a special exception by the Board of Adjustment. This site was previously granted a special exception by the City of Tulsa Board of Adjustment for the American Legion on an RS-3 parcel.*

*OL zoning as described in Chapter 6 of the Tulsa Zoning Code is described as follows” “The OL District is designed to facilitate the development and preservation of low intensity office development.” That purpose is in direct conflict with the vision of the Mixed Use infill designation of the 6<sup>th</sup> Street Infill Plan and with the Downtown Neighborhood designation.*

*The requested OL zoning allows all of the uses that Form Based Code allows at this location. OL zoning prohibits future construction at the street right of way and does not encourage any of urban building forms that were an essential component of the Form Based Code along 8<sup>th</sup> Street South.*

Land Use Vision:

*Land Use Plan map designation:* The site is completely inside the Downtown Neighborhood designation.

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 site is completely inside the Area of 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:

This site is not affected by any long term plans included in the Transportation Vision.

Trail System Master Plan Considerations: None

RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6<sup>th</sup> STREET INFILL PLAN)

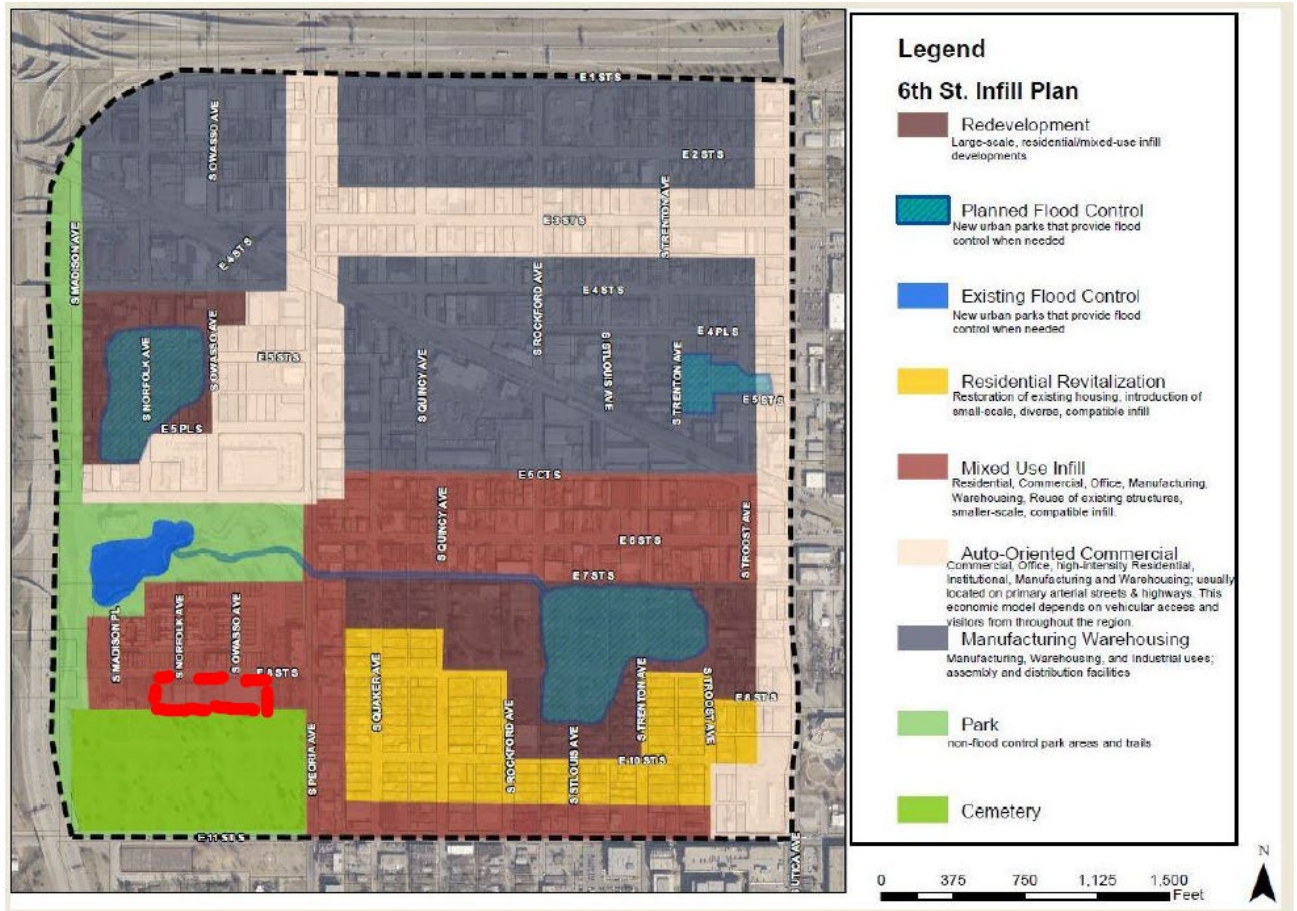
*Staff Comment: The site is considered an area of Mixed Use Infill. The Comprehensive plan recognizes that Tulsa has not had significant experience with infill development and suggests including a coordinated approach to making redevelopment desirable and doable. The 6<sup>th</sup> Street Infill Plan is the first area where a coordinated approach for future urbanization of Tulsa has been tried. Opposition to the small area plan has resulted in significant changes to the original plan adopted. It is staff opinion that maintaining the core of the 6<sup>th</sup> Street Infill Plan at this location is an important step to the establishing the long term vision of this neighborhood.*

Small Area Plan Land Use Designation:

The site is completely included a Mixed Use Infill area defined in the 6<sup>th</sup> Street Infill Plan which was amended in April 2014.

The Mixed Use Infill district is defined as “Residential, Commercial, Office, Manufacturing, Warehousing, reuse of existing structures, smaller-scale, compatible infill”

Pearl District – 6<sup>th</sup> Street Infill Plan Land Use Map:  
Z-7276 outlined in red below:



## FORM BASED CODE REGULATING PLAN: (Townhouse Small Apartment Frontage Building Form)

*Staff Comment: Z-7276 is currently regulated by a townhouse / small apartment building form standard. That standard does not prohibit office uses or any uses similar to the American Legion but does provide standards for future building construction. The existing facility or facility maintenance is not affected by the Form Based Code or the Regulating Plan.*

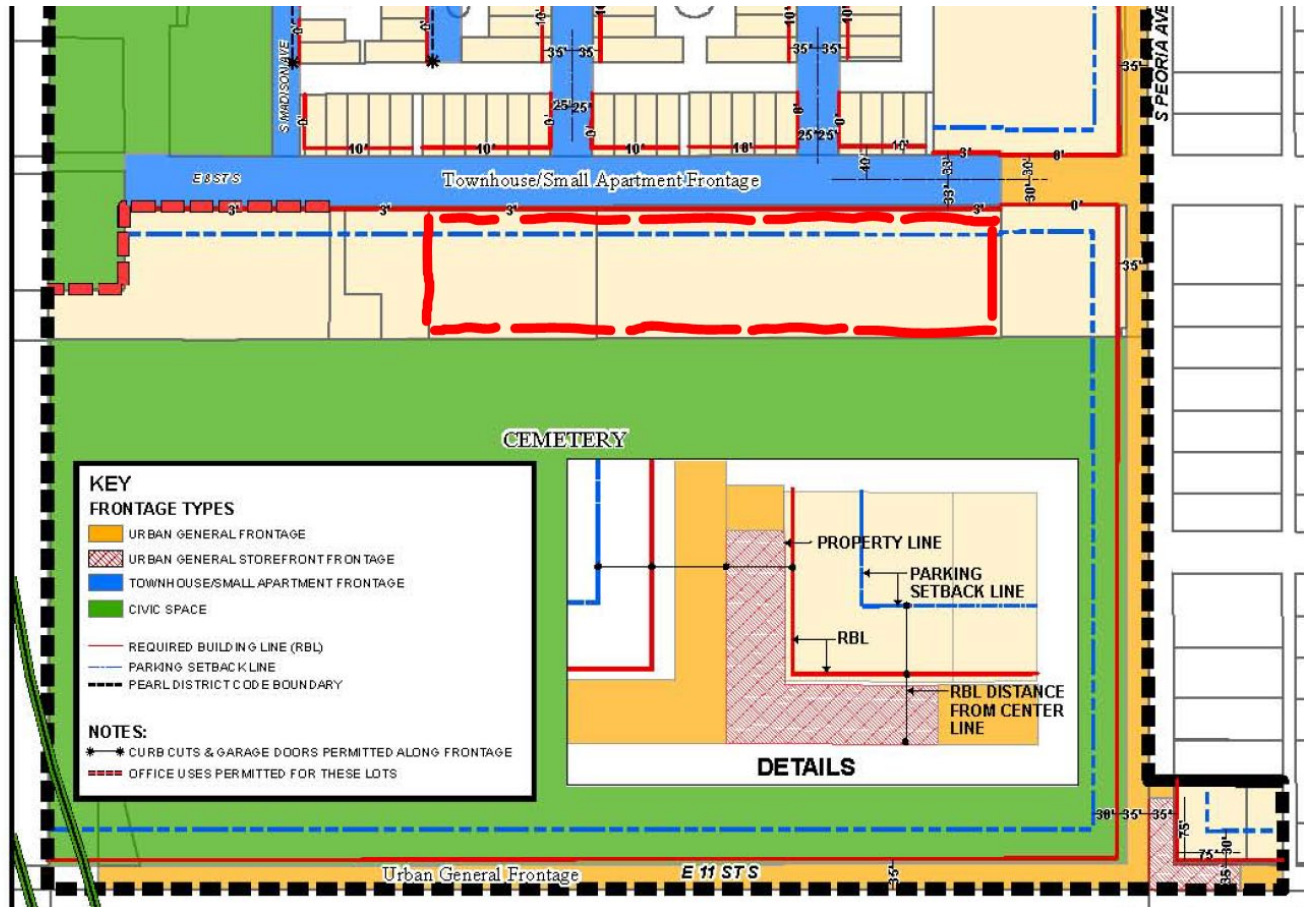
*Future expansion plans of the facility may require implementation of some of the building form standards.*

Townhouse Small Apartment Frontage Building form as defined in the Form Based Code:

The townhouse small apartment building form standard is of moderate intensity, often created by a series of smaller attached structures, commonly single family residential, but potentially also stacked flats, service commercial or live work arrangements. This frontage type can be



used to transition the urban form and intensity of the urban general frontage to abutting detached properties. This standard has regular entrances, as frequently as sixteen feet. The character and intensity of this frontage varies with the location of the require building line..... The buildings may be placed at the back of the sidewalk with stoops or may be arranged with front porches and small front yards. Similarly either tree pits or tree lawns may be found in the street space. Comparable in scale to that of the townhouse, small apartment may also be build to the sidewalk or with small front yards and may include porches balconies or courtyards.



Special District Considerations: This site is not affected by any Special District Considerations.

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 2.51+ acres in size and is located west of southwest corner of E. 8<sup>th</sup> St. South and S. Madison Pl. The property is occupied by American Legion Post No. 1 and is zoned Form Based Code (FBC).

**Environmental Considerations:** This site is developed. Future redevelopment opportunities are not limited by terrain, soil or other known considerations that would affect the redevelopment this site as an OL or FBC property.

**Surrounding Properties:** The subject tract is surrounded by FBC on all sides, west of the site is the Historic Fire Alarm building, north is a single family townhome style development, east is the American Lung association building, south is a public cemetery.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 8 <sup>th</sup> Street	NA	50 feet	2

**UTILITIES:**

The subject tract has municipal water and sewer available.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 22551 dated November 8, 2011, established zoning for the subject property.

***Subject Property:***

**Z-7176 November 2011:** All concurred in approval of a request for rezoning a 60+ acre tract of land from RM-2, CS, IL, OL, CH, CS, RM-3, PK and PUD-629 to FBC for mixed uses on property located at E. 6<sup>th</sup> St. and S. Peoria Avenue (Pearl District Area).

**BOA-18930 November 2000:** The Board of Adjustment approved a variance of the minimum required lot width on Lot 3, the easternmost lot of the subject tract, to allow a lot-split. The lot was then added to the western adjoining lots, creating the subject property. This property is proposed for additional land area for development as offices, educational facilities and historical preservation purposes for the American Lung Association of Oklahoma (ALAO).

**BOA-13712 August 1985:** The Board of Adjustment approved a request for a Special Exception to permit an existing American Legion Post in an RS-3-zoned district on the subject tract.

**BOA-13089 April 1984:** The Board of Adjustment approved a Special Exception to permit an accessory building on a lot as the principal use, on the subject tract. The proposed use of the building was for storage of equipment for the adjoining cemetery.

***Surrounding Property:***

**Z-6507 November 1995:** All concurred in approval of a request to rezone a 3+ acre tract from RM-2 to CS for an outpatient medical office, clinical facility

providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa, located on the northwest corner of East 6<sup>th</sup> Street and South Peoria Avenue.

**PUD-629 April 2000:** All concurred in approval of a proposed Planned Unit Development on a 2+ acre tract, for a mixed use development (The Village at Central Park) to include residential, retail and office uses, located on the west side of South Peoria Avenue at East 8<sup>th</sup> Street South.

Mr. Wilkerson cited the differences in requirements between Form-Based Code and Office Light. If there is support to change this to an OL zoning district, then there will need to be a request to amend the underlying regulating plan and remove it from that plan.

#### **TMAPC COMMENTS:**

Mr. Fretz asked if there has been any pending contracts on the subject property that is subject to the OL zoning. In response, Mr. Wilkerson stated that not to his knowledge.

Mr. Carnes stated that the subject building was present before anyone in this room was born, which is the American Legion Post #1. Mr. Carnes further stated that he doesn't believe that any of the things Mr. Wilkerson talked about was given any consideration that this was built next to a cemetery when no one wanted to live next to one and was there before any zoning was ever in place. Mr. Carnes commented that he believes that they are asking to have the zoning that was there before Form-Based Code took place. Mr. Carnes explained that he was present at both the 6<sup>th</sup> Street Infill Plan and the Form-Based Code and the American Legion asked not to be put in the FBC, as did the QuikTrip. Mr. Carnes commented that the American Legion is not esthetic looking, but it wouldn't have been built if the members hadn't fought for us and kept our country free. Mr. Carnes indicated that he would be supporting their request.

Mr. Midget asked Mr. Wilkerson if the staff recommendation been different if the applicant had requested CH zoning. Mr. Wilkerson stated that it would have helped, but the real difference between this parcel and the other two applications is the vision that is outlined in the 6<sup>th</sup> Street Infill Plan. When looked at what is allowed in CH zoning, it would allows a lot of uses that are in FBC, but it doesn't provide the architectural guidelines for future developments.

Mr. Reeds asked if the existing complies under Form-Based Code. Mr. Wilkerson stated that there is no use restriction that would keep them from staying there. Their existing building complies with the Form-Based Code and there is nothing that affects them with this FBC.

Mr. Covey asked what the subject property was zoned prior to Form-Based Code. In response, Mr. Wilkerson stated that he believes that it was RS-3 with a Board of Adjustment case to allow the existing American Legion Post.

**Applicant's Comments:**

**Doug Dodd**, 1120 East 8<sup>th</sup> Street, 74120, stated that he is member and Judge Advocate for American Legion Post #1 and also the listed name on the application. Mr. Dodd further stated that 100 years ago, next Monday, World War I began and it lasted until 1918. In 1917 our country joined the war and they called it "The Great War." It ended on November 11, 1918 and that is a day that is celebrated in Tulsa and around the country, which is now called Veteran's Day. Mr. Dodd cited the history of Tulsa's that fought and died in WWI, and cited the full name of the American Legion Post, which honors the memory of the fallen soldiers from WWI, WWII, Korea, Viet Nam, and Iraq. Mr. Dodd explained that his point is that the American Legion has been present for a long time and it is important on how they got here. The American Legion Post was organized on May 21, 1919 as the Joe Carson Post and the present building was financed by Waite Phillips and built on land that was donated by the City of Tulsa. Mr. Dodd indicated that the American Legion intends to remain in the subject building for another 95 years. Mr. Dodd commented that he believes that the Form-Based Code zoning is unnecessary and inappropriate for the services that the American Legion provides to their members. The American Legion doesn't want to have a two-story brick building, never had one and never intend to have one. Most of the members would have difficulty with a two-story building. Mr. Dodd stated that the American Legion doesn't want to be right up on the sidewalk and it is not important to any of the members that they look like a small European community, it is great place to visit, but that is not where we are.

Mr. Dodd stated that the process that has gone on with the entire Form-Based Code has had the involvement of the American Legion and he personally, along with some past Commanders, have attended community information meetings held at Centennial Park and asked questions that were never answered. Mr. Dodd explained that he has often asked for other communities or surrounding cities in the country that are currently using FBC and what successes have they had, has it developed the type of new investment that this is supposed to inject, but he has never been given any answers to these questions. Mr. Dodd stated that he is in favor of the area near downtown developing and looking wonderful. Mr. Dodd further stated that he has heard that we were in this pilot project for reasons not entirely related to the overall plan for Form-Based zoning, but that this had to happen before anything else could happen. Mr. Dodd explained that the American Legion never asked to be included in the Form-Based Code and they do not want to be in it. Mr. Dodd stated that there are approximately 1,600 members of the American Legion Post and the Son's of the American Legion and the American Legion Auxiliary and the post is used seven days a week. There is a lot of parking available, which is necessary and is used.

Mr. Dodd stated that the staff report states that the subject property is surrounded by other properties that are in the Form-Based Code and that is true but not one of them asked to be there. Oaklawn Cemetery, which is owned by the City of Tulsa, is adjacent to the American Legion.

Mr. Dodd explained that he requested OL because that is what he was before and the original application requested to go back to OL/RS-3, which is what the American Legion believed they were zoned previously. It was suggested that OL would be a better zoning from the INCOG staff. The American Legion doesn't care if they are OL or RS-3 because regardless they are a Use Unit 2, with a special exception as a community organization. Mr. Dodd explained that the most important thing is if should something happen to their building they do not want to be required to move to the curb, build a two-story brick building and eat up some of the parking. This would not work for the veterans in the organization. Mr. Dodd cited the several meetings he attended regarding the Form-Based Code and expressed his concerns about rebuilding if something should happen to the subject building and what the insurance company would cover under the present zoning. Mr. Dodd explained that there were several delays at City Council before passing the Form-Based Code due to these same issues and when it finally came before the City Council for hearing he was not informed of that meeting. He expressed concerns that the Code was passed without full representation from at least one important part of the subject area. Mr. Dodd concluded that the American Legion would like to go back to the way that they were. Mr. Dodd stated that he doesn't oppose the FBC for people who want it and can use it, but American Legion doesn't want it and can't use it. Mr. Dodd commented that Mr. Wilkerson described the urban feel with FBC and that is great, but it will never happen on the American Legion property. Mr. Dodd further commented that the American Legion was first and he has no problem with the Village townhomes in the subject area, but he doesn't want to have to change.

#### **INTERESTED PARTIES COMMENTS:**

**Nan Kemp**, 738 South Norfolk, 74120, stated that she lives across the street from the American Legion and glad that they are her neighbors. Ms. Kemp explained that her father was in the service and she grew up in the Army and is a supporter of the Legion, VFW and all of those organizations. Ms. Kemp commented that she is confused why the American Legion wants to go back to the previous code. Ms. Kemp stated that should a disaster happen and the Legion had to rebuild she doesn't understand why the Planning Commission or some other body couldn't give the Legion a special exception to not build a two-story building. There is always the possibility that the American Legion might decide that they would be better off in a different facility somewhere else and then this particular piece of property would be better sold because the presence of the Village at Central Park has definitely raised their property values. The OL designation does bring about one potential use that would be objectionable and that is a mini-storage facility, which the FBC doesn't allow. Ms. Kemp stated that

she and other homeowners in the subject area respectfully request that the zoning change be denied.

**Julian Morgan**, 418 South Peoria Avenue, 74120, stated that she hopes that the VFW and American Legion understand that this is separate issue. Ms. Morgan stated that she is concerned for their best interest and glad that they are in the neighborhood. Ms. Morgan further stated that she understands that the Plan changes and adapts to the community, but she wants it to be based on solid information and facts and make sure they know what they are doing. Ms. Morgan commented that a lot of misinformation has been spread and she is possibly confused about the details. Ms. Morgan stated that she understands that if there was a natural disaster and the buildings were wiped clean it could be built back the way it was originally. Ms. Morgan concluded that she is in favor of change if they need it and glad that they are in the neighborhood because they are one of the main reasons she moved in. Ms. Morgan indicated that she likes the diversity of the neighborhood and hope that the Legion stays. Ms. Morgan expressed concerns that some of the decisions might be strategic and done after the Form-Based Code was mentioned in an advisory committee meeting as being dead. Ms. Morgan mentioned that since that meeting an application was made to put another property in the FBC designation.

**Jamie Jamieson**, 754 South Norfolk, 74120, stated that he is opposed to this application and urged the Planning Commission to deny this application. Mr. Jamieson commended the VFW and American Legion and what they stand for. Mr. Jamieson expressed concerns that he was not informed of these applications in advanced and had a meeting. Mr. Jamieson questioned the fact that three cases were filed at the same time to be removed from the FBC designation. Mr. Jamieson listed reasons he believes that OL wouldn't be appropriate for the subject property and questioned why it needed to be changed. If the building should be destroyed it can be rebuilt as is under the Form-Based Code, but if that isn't true he would come to support them to be able to rebuild it pretty much as is. Mr. Jamieson stated that the OL is not in the vision and is not needed in the subject area. Mr. Jamieson further stated that the reason for including the American Legion and cemetery in the FBC is because good planning goes across the street and this is on a dead-end street and that is why it was included. Mr. Jamieson commented that the FBC was facilitated by one of the best known Code writers, Farrell-Madden. Mr. Jamieson stated that he would be delighted to meet with Mr. Dodd to talk about this anytime and answer his questions that are readily available on the internet. Mr. Jamieson stated that he disagrees with Mr. Dix that CH zoning is less intrusive as FBC, when actually FBC is less intrusive.

**Marvin Shirley**, 720 South Norfolk and 706 South Norfolk, 74120, stated that he supports the American Legion. Mr. Shirley further stated that one of the reasons he invested and took a risk by moving into the Village is because of the protection that he felt the FBC offered his investment. Mr. Shirley expressed concerns that the rezoning will devalue his properties. Mr. Shirley stated that he

drives by the American Legion everyday and he can only recall seeing the parking lot full once and that was for a car show. Mr. Shirley isn't concerned with the American Legion leaving, but what is to keep them from selling a significant portion of the parking area with the revised zoning and significantly devaluing the existing property owners in the surrounding area. Mr. Shirley commented that there has not been a compelling reason for the zoning change and requested that this rezoning be denied.

**Applicant's Rebuttal:**

Mr. Dodd stated that he is delighted to hear that so many people love the American Legion. Mr. Dodd further stated that they love us except when the American Legion wants to go back to the previous zoning. Everyone has their own dog in the fight, but for those who built prior to the Form-Based Code being even suggested or much less adopted, then the NIMBY seems to be misplaced. It is the new guys that are saying not in my backyard, we don't want you to change zoning, which seems backwards. Mr. Dodd stated that in regard to Mr. Jamieson stating that information being available on the internet, but his question was to the City staff and the INCOG staff. If the Form-Based Code is so great tell him where it is working and he hopes that they did check on it and not relying on potential opponents to it. Mr. Dodd stated that the bottom line is that he asked early on to move the south boundary of the proposed "pilot program" for the Pearl District to move from 11<sup>th</sup> Street to 8<sup>th</sup> Street. Mr. Dodd explained that at that time he was told that one doesn't do donut holes in zoning areas. Mr. Dodd stated that it wouldn't have been a donut hole; it would simply be moving the boundary. Mr. Dodd stated that by moving the boundary it would have lost a lot of great stuff for redevelopment like the Oaklawn Cemetery, the Fire Alarm House that is offices for the American Lung Association, which is a historic building and will not be changed in anyway no matter what the Code is and the old Family and Children's Services and American Legion. There has never been and there will never be a strip center or donut shop on the subject street. Mr. Dodd requested that the Planning Commission consider going against the staff recommendation and adopting the application as requested, with the proviso that if the Planning Commission believes that it is better or more appropriate for a different zoning other than FBC or OL, he welcomes those suggestions.

**TMAPC Comments:**

Mr. Reeds stated that from what he has read today the American Legion was RS-3 and was never OL. Mr. Dodd stated that he was told that it was originally zoned OL/RS-3. Mr. Dodd further explained that he originally requested for the previous zoning, but at the suggestion of INCOG he dropped the RS-3 zoning. Mr. Reeds asked Mr. Dodd if he realizes that his property has more value under the FBC designation in terms if the subject building were to be wiped out. Mr. Reed explained that the American Legion could replace with more value with FBC than OL. Mr. Dodd stated that he disagrees with Mr. Reeds because the value of the subject property is its usefulness for our members. Mr. Dodd explained that they are carried on the tax rolls as a zero and the American

Legion is not looking to sell. Mr. Dodd further explained that the American Legion transferred some land to the American Lung Association because they needed it and were happy to do so, but it was not an economic transfer that the American Legion was trying to sell property to make money. Mr. Dodd stated that there is nothing he can see that the FBC could possibly do for the subject property that would make it better for the American Legion, other than to look at Mr. Jamieson's development, which was there before the Form-Based Code. Mr. Dodd commented that he tends to agree with Mr. Dix that if property owners want to build something in a FBC area, then let them do it and he is all for it. He has been waiting to see new development on 6<sup>th</sup> Street because of the FBC, but hasn't seen any yet, hopes it does. The 6<sup>th</sup> and Peoria intersection looks better than it has in years, but that is City stuff and he is not in opposition of the FBC as a concept, but it was over reaching when it came down the south side of 8<sup>th</sup> Street. Mr. Dodd pointed out that he understands that the Planning Commission did pull back the FBC Regulating Plan from one side of 11<sup>th</sup> Street because it wasn't working out for Hillcrest Medical Center. Mr. Dodd stated that by including the American Legion into the FBC and Pearl District does not encourage redevelopment, but east and north of the subject property perhaps.

Mr. Covey stated that he doesn't know where this is going yet, but if the Planning Commission were to go against staff recommendation what would the appropriate zoning designation be. Mr. Wilkerson stated that he researched the designations while listening to this case and the OL has no minimum lot area that one can work on. Mr. Wilkerson further stated that it can't go up in zoning due to notice and CH would not have been appropriate in the subject area. The original zoning that was previously there before the FBC appears to be RS-3 and he doesn't see where there as OL. Mr. Wilkerson suggested that if the Planning Commission were to go against the staff recommendation he is comfortable with the OL zoning.

Mr. Wilkerson stated that the FBC does have a provision and it is very clear that in the event of some catastrophic event that they could rebuild without being regulated by the Form-Based Code.

Ms. Millikin asked if the change to RS-3 could happen now or would the applicant have to refile for the RS-3 zoning. Ms. VanValkenburgh stated that the Planning Commission wouldn't have jurisdiction to approve RS-3 today, it would require renoticing.

Mr. Fretz stated that he would support the staff recommendation with the understanding that if something comes up to where they need to make a change it would be reviewed at that time.

Mr. Carnes moved to approved OL zoning as requested by the applicant and to remove it from the regulating plan.



**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-3-0** (Carnes, Covey, Dix, Liotta, Midget, Shivel "aye"; Fretz, Millikin, Reeds "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the rezoning from FBC to OL zoning for Z-7276 and to remove the subject property from the Regulating Plan.

**Legal Description for Z-7276:**

Lots 7 through 24, and the Vacated alley adjacent on the South and the East Twenty (20) feet of the Vacated Alley adjacent on the West of Lot 24, Block 5, Oaklawn Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. **AND** Lots 1 through 3, less the West 7.5 feet of Lot 3, and the Vacated alley adjacent on the South and the West twenty (20) feet of the Vacated alley adjacent on the East of Lot 1, Block 4, Oaklawn Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

16. **PUD-683-A – Eller & Detrich/Andrew A. Shank**, Location: Southwest corner of North Yale Avenue and East 136<sup>th</sup> Street North, Requesting a PUD Abandonment, (Staff is requesting a continuance to August 6, 2014, (County)

**STAFF RECOMMENDATION:**

Staff is requesting a continuance to August 6, 2014.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **CONTINUE** PUD-683-A to August 6, 2014.

\* \* \* \* \*

17. **PUD-813 – Roy D. Johnsen**, Location: West of southwest corner of East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue, requesting **PUD** to allow larger paved surface in the front yard, increase building height and permit rear access to garage on cul-de-sac/double frontage lots, **RS-4 to RS-4/PUD-813**, (CD-6)

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

Sunset Hills II comprises approximately 40 acres of land located approximately one fourth of a mile east of the southeast corner of East. 41<sup>st</sup> Street South at South 161<sup>st</sup> East Avenue in the City of Tulsa, Oklahoma and is described within

Exhibit F and hereinafter referred to as the "Site". The Site is zoned RS-4, Residential Single Family District.

Property to the north and west of the Site is generally rural in nature and zoned AG, Agriculture District. The east boundary of the Site is abutted by the Sunset Hills single-family subdivision which is zoned RS-4 and Planned Unit Development 793. Sunset Hills (PUD 793) Phase I is currently under construction.

The Site was originally planned for development as a small lot single family residential subdivision, but in response to market demand the developer now plans to configure larger lots than lots permitted within the existing RS-4 zoning and it should be noted that the proposed lots are also larger than the minimum permitted lots within a RS-3 zoning district. Residences are planned for a maximum height of 40 feet which permits higher ceilings and pitched roofs and are planned to include 3 car garages.

The Planned Unit Development is submitted to permit a driveway of sufficient width to access a 3-car garage which results in paving within the required front yard that exceeds the limitation of Section 1303D. of the Tulsa Zoning Code and to permit the increased height of the residences from 35 feet to 40 feet and to permit rear access to the garage for any lots within a cul-de-sac that have street frontage at the front and rear yards.

No rear yard access will be allowed from East 41<sup>st</sup> Street South.

Sunset Hills phase I (PUD 793) is being developed by a related entity and it is anticipated that the Sunset Hills II residents will have access to the planned recreational facilities which will be located adjacent to the east boundary of Sunset Hills II.

#### **PUD 813 DEVELOPMENT STANDARDS:**

Development Area A- Single Family Lots

Permitted Uses: Single family residences and customary accessory uses

Minimum Lot Width: 65 feet

Maximum Area of Off-Street Parking allowed in a required Front Yard 700 square feet.

Maximum Height of Dwelling: 40 feet

Other Bulk and Area Requirements: As set forth within an RS-4 District

Screening along East 41<sup>st</sup>: Match wall or fence construction standards in PUD 793 and provide reserve area on plat for homeowner's association maintenance of wall along East 41<sup>st</sup> Street South.

Open Space and Common Areas: Reserve areas will also be provided for open space, recreation, and storm water detention. All reserve areas will be shown on the face of the Plat and maintained by a homeowners association.

**VEHICULAR ACCESS AND CIRCULATION:**

Stub streets will be provided to connect with the existing stubs east of the site and anticipated future connections south and west.

**PEDESTRIAN ACCESS:**

The Developer shall construct sidewalks in the 41<sup>st</sup> Street Right of way and in any street right of way adjacent to reserve areas prior to completion of the Infrastructure Development Plan construction process. No building permit for residential construction will be released until sidewalks are constructed in those areas.

**PLATTING REQUIREMENT:**

A Subdivision Plat must be filed at the Tulsa County Courthouse prior to release of a residential building permit.

**EXPECTED SCHEDULE OF DEVELOPMENT:**

The project is expected to begin as soon as plans and zoning are completed. Expected construction for the infrastructure will be less than one year after the project is released from City Engineering.

**DETAILED STAFF RECOMMENDATION:**

*Staff Comment: PUD-813 was originally considered at the June 4<sup>th</sup>, 2014 Planning Commission. Prior to the City Council meeting the applicant requested a reconsideration of the PUD. The reconsideration changes the allowable impervious area for parking in the front yard from 550 square feet to 700 square feet. All the remaining development standards that were recommended for approval at the June 4<sup>th</sup> meeting stayed the same.*

PUD-813 is consistent with the PUD chapter of the Zoning Code, and;

The PUD is consistent with the vision outlined in the Land Use Plan and Area of Growth map in the Comprehensive Plan, and;

This project is consistent with the anticipated growth pattern of the area, and;

The staff recommendation is not an endorsement of the conceptual plan provided, therefore

Staff recommends **APPROVAL** of PUD-813 as outlined in Section I above.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: This area is one of the primary Single Family Residential opportunities available for development in Tulsa. The water and sewer systems are available to the site however most of the arterial street infrastructure is still two lane unimproved streets. Continued suburban style development in this area will add pressure to the City of Tulsa to provide additional vehicular street capacity. The Comprehensive Plan clearly defines future street construction in this area to be a multimodal including bike lanes, bus and pedestrian access. It may be years before this street system is completed to the standards defined in the Comprehensive Plan.*

*The internal street system is provided throughout the subdivision in a system of cul-de-sac's which creates vehicular circulation patterns that are unnecessarily complex on this site. The street system provides little incentive to encourage bicycle or pedestrian circulation alternatives.*

*The internal street system on the conceptual plan is not consistent with the inter-connected street system contemplated in the Comprehensive Plan.*

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Areas of Stability and Growth map designation: Area of Growth

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: East 41<sup>st</sup> is a Secondary Arterial Street with a Multimodal overlay.

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.

#### Trail System Master Plan Considerations:

A private trail system and sidewalks along all public streets are an important part of this plan however there are no trail system considerations at this location. The major street and highway plan recognizes that East 41<sup>st</sup> Street South may have bicycle lanes.

#### Pedestrian Connection Systems:

The abundance of cul-de-sacs illustrated on the conceptual plan is not consistent with the comprehensive plan.

During the plat process the developer shall provide pedestrian access to encourage pedestrian connections to the trail system and green space adjacent to the east boundary of this PUD.

#### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The south portion of this site is near a significant floodplain. As a result a large scale single family development is not likely. One stub street to the south has been provided in anticipation of a small future single family residential development. There are no significant terrain concerns for this proposed development.*

**Site Analysis:** The subject property is approximately 40+ acres in size and is located west of southwest corner E. 41<sup>st</sup> St. and S. 177<sup>th</sup> E. Ave. The property appears to be mostly vacant and is zoned RS-4.

**Surrounding Properties:** The subject tract is abutted on the east by Sunset Hills I, zoned RS-4/PUD 793; on the north by vacant land, zoned AG; on the south by vacant land, zoned AG; and on the west by vacant land, zoned AG.

#### STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41 <sup>st</sup> Street	Secondary Arterial with multi modal overlay	100 feet	2

#### UTILITIES:

The subject tract has municipal water and sewer available.

#### SECTION III: Relevant Zoning History:

**ZONING ORDINANCE:** Ordinance number 21690 dated December 20, 2007, established zoning for the subject property.

##### *Subject Property:*

**Z-7075 December 2007:** All concurred in approval of a request for rezoning a 122+ acre tract of land from AG to RS-3 on the east 80+ acres and RS-4 on the northwest 40 acres, on property located west of the southwest corner of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue and a part is the subject property.

##### *Surrounding Property:*

**PUD-793 August 2012:** All concurred in approval of a proposed Planned Unit Development on a 82+ acre tract of land for single-family residential use, on

property located west of southwest of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue and abutting east of subject property.

**PUD-779 November 2010:** All concurred in approval of a proposed Planned Unit Development on a 57+ acre tract of land for residential development, on property located south of southwest corner of East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue.

**Z-7156 August 2010:** All concurred in approval of a request for rezoning an 82+ acre tract of land from RS-3 to RS-4 on property located West of southwest of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue and is abutting east of the subject property.

**Z-7048 March 2007:** All concurred in approval of a request for rezoning a 46.7+ acre tract of land from AG to RS-4 for single-family development on property located south of southwest corner of East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue.

**Z-7028 August 2006:** All concurred in approval of a request to rezone a 10+ acre tract from AG to RS-3 on property located south of southwest corner of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue.

**Z-6911 September 2003:** All concurred in approval of a request to rezone a 160+ acre tract of land from AG to RS-3 for single-family development, located east of the northeast corner of East 51<sup>st</sup> Street South and South 161 East Avenue.

Mr. Wilkerson explained that this is a reconsideration of PUD-813 to change the standards of the impervious area front yard coverage. In the PUD that was considered in June there was a maximum impervious area coverage area of 550 square feet that was not enough to satisfy the need for a three-car garage. This reconsideration is to change that standard from 550 square feet to 700 square feet of impervious area in the front yard.

Mr. Covey stated that there is a note that states that the conceptual site plan is not in accordance. Mr. Wilkerson stated that the reason he put that note in there is because there was some discussion about opening up a pedestrian connection from the end of the cul-de-sac into the private common area in Sunset Hills II and so that statement is in there to keep the conversation going through the platting process.

**Applicant's Comments:**

**Roy Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that the adjoining property is the same developer and he put the 550 square feet in the standards and when he started building the houses it wasn't enough room and unfortunately the second phase had already been filed

with the 550 square feet and so rather than going to the City Council and then amending it later, he requested that it be reconsidered.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of PUD-813 per staff recommendation.

**Legal Description for PUD-813:**

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4, NW/4) OF SECTION 26, T-19-N, R-14-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

\* \* \* \* \*

**OTHER BUSINESS**

18. **Z-4900-SP-9a – Roy D. Johnsen**, staff is requesting a full refund for the corridor minor amendment due to incorrect processing.

**STAFF RECOMMENDATION:**

Ms. Miller stated that this application was approved under the consent agenda today. This was processed several months ago and it wasn't until it was at the platting stage that it was discovered that there was a senior housing limitation in the PUD and so the applicant needed to come back through the process. This is staff's error and staff is requesting that the application fee be refunded.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the full refund for Z-4900-SP-9a per staff recommendation.

\* \* \* \* \*

19. **Commissioners' Comments: None.**

\* \* \* \* \*

**TMAPC Action; 9 members present:**



On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **ADJOURN** TMAPC meeting 2678.


### ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:52 p.m.

Date Approved:

09-03-2014

  
Chairman

ATTEST:   
Secretary