

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2679

Wednesday, August 6, 2014, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, July 30, 2014 at 4:15 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, 1<sup>st</sup> Vice Chair Dix called the meeting to order at 1:30 p.m.

### **REPORTS:**

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

Ms. Miller reported on the City Council and Board of County Commission agendas and actions.

Ms. Miller reported on upcoming agendas for the Planning Commission.

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

##### **Approval of the minutes of July 9, 2014 Meeting No. 2677**

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-1 (Dix, Fretz, Millikin, Reeds, Shivel, Walker “aye”; no “nays”; Stirling “abstaining”; Carnes, Covey, Liotta, Midget “absent”) to **APPROVE** the minutes of the meeting of July 9, 2014, Meeting No. 2677.

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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.

2. **LS-20700** (Lot-Split) (CD-1) – Location: Southeast corner of East Jasper Street and North Rockford Avenue
3. **LS-20701** (Lot-Split) (CD-1) – Location: South of the southeast corner of East Jasper Street and North Rockford Avenue (Related to: LC-592)
4. **LC-592** (Lot-Combination) (CD-1) – Location: Northeast corner of East Independence Street and North Rockford Avenue (Related to: LS-20701)
5. **LC-593** (Lot-Combination) (CD-1) – Location: Southwest corner of East Reading Street and North Midland Avenue
6. **LS-20704** (Lot-Split) (County) – Location: Southwest corner of East 59<sup>th</sup> Street North and North 145<sup>th</sup> East Avenue
7. **LS-20705** (Lot-Split) (County) – Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Garnett Road (Related to: LC-594)

Applicant has requested a continuance, removed from consent agenda.

8. **LC-594** (Lot-Combination) (County) – Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Garnett Road (related to: LS-20705)

Applicant has requested a continuance, removed from consent agenda.

9. **LC-595** (Lot-Combination) (CD-9) - Location: Southeast corner of East 35<sup>th</sup> Street South and South Peoria Avenue
10. **PUD-741-A-1 – Sack & Associates, Inc.** – Location: Northwest corner of East 111<sup>th</sup> Street South and South Joplin Avenue, requesting a PUD Minor Amendment to change the building setback line on South Joplin Avenue from 25 feet to 15 feet and the building setback line on East 110<sup>th</sup> Place South from 15 feet to 25 feet, **RS-2/PUD-741-A**, (CD-8)

### **STAFF RECOMMENDATION:**

**Amendment Request:** Modify the PUD Development Standards for Lot 1, Block 1 to change the building setback line on S. Joplin Ave. from 25 ft to 15 ft and the building setback line on E. 110<sup>th</sup> Pl S. from 15 ft to 25 ft.

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-741-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request for Lot 1, Block 1 to change the building setback line on S. Joplin Ave. from 25 ft to 15 ft and the building setback line on E. 110<sup>th</sup> PI S. from 15 ft to 25 ft.

11. **PUD-405-22 – Chad Chastain**, Location: South of the southwest corner of East 91<sup>st</sup> Street and South Memorial Drive, requesting PUD Minor Amendment to establish 0-foot minimum internal building setback, **CS/PUD-405**, (CD-8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD Development Standards for Lot 4, to establish a 0 ft Minimum Internal Building Setback.

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-405 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request for Lot 4 to establish a 0 ft Minimum Internal Building Setback.

12. **PUD-539-1 – Sack & Associates, Inc./Eric Sack**, Location: Northeast corner of East 11<sup>th</sup> Street South and South 123<sup>rd</sup> East Avenue, requesting PUD Minor Amendment to allocate floor area for an enclosed boat storage facility, **CS/PUD-539**, (CD-6)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD Development Standards to allocate floor area for an enclosed boat storage facility.

Within the current Development Standards, the Maximum Building Floor Area is 50,000 SF. The proposed revised standards are a Maximum Building Floor Area is 41,900 SF and a Maximum Enclosed Boat Storage Floor Area of 8,100 SF. The applicant has indicated that the proposed boat storage structure will be for storage and display of boats only and will not be habitable.

*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-539 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allocate floor area for an enclosed boat storage facility.

13. **PUD-539 – Sack & Associates, Inc./Eric Sack**, Location: Northeast corner of East 11<sup>th</sup> Street South and South 123<sup>rd</sup> East Avenue, requesting PUD Detail Site Plan for a new enclosed boat storage facility within the PUD, **CS/PUD-539**, (CD-6)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 3.56 Acre site in a Planned Unit Development for a new enclosed boat storage facility including one, one story building.

**PERMITTED USES:**

Boat sales, service and storage and all uses permitted by right in a CS district, except Use Unit 12A. The proposed boat storage facility is permitted as a matter of right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Planned Unit Development.

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

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

**LIGHTING:**

Site lighting plans are not provided. Any new lighting shall comply with the City of Tulsa Zoning Code.

**SIGNAGE:**

The site plan does not illustrate new ground and wall sign locations. Existing ground sign shown. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license

agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

Landscape requirement of 10% of net area are not shown on the site plan. Development Standards state that this area will be required at the time of any new building permits. The open space and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays existing sidewalks along East 11<sup>th</sup> Street South.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-539**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development with the exception of the previously mentioned landscape area requirements. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

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

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

14. **PUD-766 – Kimball Hales**, Location: Northwest corner of South Yale Avenue and East 50<sup>th</sup> Street South, requesting a PUD Detail Site Plan for a new restaurant with drive-through within the PUD, **CH/PUD-766**, (CD-9)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.64 Acre site in a Planned Unit Development for a new restaurant with drive-thru including one, one story building.

**PERMITTED USES:**

Use Unit 10 – Off-street parking areas, Use Unit 11 – Offices, Studios and Support Services including drive-thru banking facilities, Use Unit 12 – Eating

Establishments Other Than Drive-Ins, Use Unit 13 – Convenience Goods and Services, Use Unit 14 – Shopping Goods and Services, Use Unit 19 – Hotel, Motel and Recreation Facilities, and uses customary to permitted principal uses. The proposed restaurant with drive-thru is permitted as a matter of right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Planned Unit Development.

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

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

**LIGHTING:**

Site lighting plans are provided. Exterior lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

**SIGNAGE:**

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

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays existing sidewalks along South Yale Avenue and East 50<sup>th</sup> Street. Internal circulation pathways are also shown to be provided on the site.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-766**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new restaurant with drive-thru.

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

15. **PUD-564-B – Jonathon W. Hanlan**, Location: North and east of the northeast corner of East 31<sup>st</sup> Street and South Memorial Drive, requesting a PUD Detail Site Plan for a new addition of office space to an existing building, **OM/PUD-564-B**, (CD-5)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 2.595 Acre site in a Planned Unit Development for a new addition of office space to an existing one story building.

**PERMITTED USES:**

Use Unit 10 – Off-street parking areas, Use Unit 11 – Offices and Studios and display for sale of new and used automobiles and light trucks and Use Unit 15 – Other Trades and Services, limited to Contract Construction Services and Uses Customarily and Accessory thereto. The proposed office addition is permitted as a matter of right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The Planned Unit Development does not provide architectural guidelines.



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

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

#### LIGHTING:

Site lighting plans are not provided. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas. No light standards shall be located within 80 feet of the east boundary of the Development Area. No light standard shall be located within the landscape buffer area along the easterly boundary. Light standards within 100 feet of the easterly boundary shall not exceed 16 feet in height. No light standard, including building-mounted, shall exceed 25 feet in height.

#### SIGNAGE:

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

#### SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

#### PEDESTRIAN ACCESS AND CIRCULATION:

The plan does not illustrate existing or proposed sidewalks. The Planned Unit Development does not provide pedestrian access and circulation guidelines.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-564-B**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new office addition.

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

16. **Little Lighthouse Extended** – Reinstatement of plat, Location: Southeast corner of East 36<sup>th</sup> Street south and South Yale Avenue, (CD-5)

**STAFF RECOMMENDATION:**  
Staff recommends **APPROVAL**.

17. **Springs at Mingo Crossing** – Final Plat, Location: South of southeast corner of East 71<sup>st</sup> Street and South Mingo Road, (CD-7)

**STAFF RECOMMENDATION:**  
Staff recommends **APPROVAL**. Release letters have been received.

18. **Change of Access** – Location: Southwest corner of East 101<sup>st</sup> Street South and South Yale Avenue, (CD-8)

**STAFF RECOMMENDATION:**  
Staff recommends **APPROVAL**.

Mr. Dix stated that Items 7 and 8 have requested a continuance to August 20, 2014.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **APPROVE** the consent agenda Items 2 through 6 and 9 through 18 per staff recommendation.

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

7. **LS-20705** (Lot-Split) (County) – Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Garnett Road (Related to: LC-594)

Applicant has requested a continuance, removed from consent agenda.

8. **LC-594** (Lot-Combination) (County) – Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Garnett Road (related to: LS-20705)

Applicant has requested a continuance, removed from consent agenda.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **CONTINUE** the lot-split and lot-combination for LS-20705 and LC-594 to August 20, 2014.

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

**PUBLIC HEARINGS:**

19. **Maple Terrace –** Preliminary Plat, Location: North of East 15<sup>th</sup> Street South, west of South Norfolk Avenue, (CD 4)

**STAFF RECOMMENDATION:**

This plat consists of three lots, one bock on .43 acres.

The following issues were discussed July 3, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 757-1 for single-family dwellings.
2. **Streets:** Provide reference for right-of-way such as plat number or book and page number. In Access and Circulation section add "Sidewalks shall be constructed along streets in accordance with subdivision regulations." Show sidewalk along Norfolk Avenue. Clarify mutual access easement language in covenants.

3. **Sewer:** In Section I-A, omit WALLS from items allowed within a utility easement. You will likely need to construct a new manhole, at the location of the existing lamp hole, where the sewer main extension begins. Unless you want to replace the existing pipe all the way back to the existing manhole. If the existing pipe is in poor condition, you may have to do this anyway.
4. **Water:** Show the method by which each lot has access to the existing six-inch water main for their water service lines. A Reserve Area along with a mutual access and utility service line easement may be an option. Language must be added that allows each lot a route for their water service lines from the existing public water main line along East 5<sup>th</sup> Street to their lots. Each lot must have access easement to the existing water main line along the public roadway of East 5<sup>th</sup> Street for their water service supply lines.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** More easements may be necessary.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Show all subdivisions in location map. Show all existing Highways. In Location map show the subdivision boundary lines, remove lot lines. Scale is shown different than drawing. Provide legal description with point of commencement and point of beginning. Be consistent with bearing directions around the plat boundary. Show lot dimensions inside the plat boundary and plat boundary dimensions outside the plat boundary. Show subdivision names on the plat that are next to the plat boundary. South line of plat shows a distance of 140 feet on the inside of the plat but the boundary length is 149.94 feet. Need subdivision data control sheet. Certificate of authorization is expired.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **APPROVE** the preliminary plat for Maple Terrace per staff recommendation, subject to special conditions and standard conditions.

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20. **Barnard Trace** – Preliminary Plat, Location: North of northwest corner of East 21<sup>st</sup> Street South and South Lewis Avenue, (CD 4)

**STAFF RECOMMENDATION:**

This plat consists of 18 Lots, 2 Blocks on 3.96 acres.

The following issues were discussed July 17, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 809.
2. **Streets:** Include dimension lines for right-of-way. Provide reference for right-of-way such as plat number or book/page number. A 25-foot corner radius required at the intersection of South Lewis Avenue with East 17<sup>th</sup> Place and East 17<sup>th</sup> Street. Include right-of-way dedication language for the corner radius. Include Section for Reserve Areas A and C and their use as access for the lots.
3. **Sewer:** All of the Reserve areas must be shown as Reserve and utility easement on face of plat. Under Section I C 2, include Sanitary Sewer Easement after Restricted Water Easement. Define the uses, and the maintenance responsibility for those areas, for each of the Reserves shown on the face of the plat. Unless we have written permission from Engineering Wastewater Design to allow pavement over the existing sanitary sewer line located within Reserve A, the existing pipe will have to be replaced with Ductile Iron Pipe. We will also need written permission, in order to approve plans to re-route the sewer line in Reserve C, to a different drainage basin.
4. **Water:** Check block numbering when areas are separated by roadways, Lots 7-12 and 4-6. Add standard water line easement language to reserve areas A and B. Verify that each lot has fire hydrant coverage protection. Remove the item shown over the proposed six-inch main line connection to the existing 12-inch main line along the west side. Water service tee's are not a part of the IDP (infrastructure development plan) process. Only the conduits can be shown. Note that conduits should be double in size of the

water service size lines proposed. Per Title 11-C ch.2 Sec 203- each lot must have their own water service connection to the public water main line. A looped six-inch water main line will be required having two connections onto the existing 12-inch water main line. Conduits for future water services lines across roadways can be shown and installed as part of the IDP process. It is recommended that the proposed east/west section of mainline be installed eight feet to the north off of the P/L/B/L/WL/E. Because of the water services usage flows from lots 2-5 approval has been granted for the six-inch dead end line to the east.

5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** The utilities may need additional five-foot or less easements to locate their lines with enough space.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Not all subdivisions are shown in location map. Show scale in both written and graphic presentation. Show the point of commencement and point of beginning. Show legal descriptions and covenants. Identify all monuments found or set. Change the bearing direction on the plat to match the bearing direction in the legal description. Submit subdivision control data sheet.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.



2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**Applicant's Comments:**

**Dave Sanders**, Sanders Engineering, 11502 S. 66th E. Ave., Bixby, 74008 stated that requested that the 25-foot corner radius at the intersection of South Lewis Avenue at East 17<sup>th</sup> Place and East 17<sup>th</sup> Street be requirement be removed. Mr. Sanders that there are 60-foot rights-of-way on 17<sup>th</sup> Street and 17<sup>th</sup> Place and there is plenty of right-of-way. Adjacent to Lewis there is a 12-foot retaining wall that separates the property from the street, but it is highly unlikely that the corner radius will ever be required there. The 60-foot right-of-way fully encompasses the curb and turns on the streets. These lots are narrow in accordance with the Historic Preservation Commission requirements and will be built with the standards of the subject area. That corner radius or corner clip takes out a part of a lot that would decrease the value of the lot and detract from

Historic Preservation. Mr. Sanders commented that he doesn't know how to do that, but he would like to discuss the removal of this requirement.

Mr. Dix asked if this was discussed at the TAC meeting. Mr. Sanders stated that it wasn't discussed at the TAC meeting. Mr. Dix asked if there was an attempt to discuss this after the TAC meeting with the Street Department. Mr. Sanders answered negatively. Mr. Sanders explained that today is the first time he has addressed the issue. Mr. Dix asked Mr. Sanders if he had any type of graphic to show the impact on the subject lot. Mr. Sanders stated that he has graphics showing the corner clip with him. Mr. Dix asked Mr. Duke, City of Tulsa Development Department to come forward.

Doug Duke, Infrastructure Development Manager, City of Tulsa, stated that he would request that Mr. Sanders send a formal request. The City considers these from time to time and obviously tries to work it out before it comes before the Planning Commission. Mr. Duke stated that this is the first he has heard that it would be an issue. Mr. Duke further stated that Mr. Sanders needs to submit a request with a hardship for not dedicating the 25-foot corner radius.

Mr. Wilkerson stated that this discussion took place during the PUD and there was never any intention of removing the wall or doing anything that would jeopardize the existing walls.

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **APPROVE**, the preliminary plat for Barnard Trace per staff recommendation, subject to special conditions and standard conditions, subject to the applicant receiving approval from the City of Tulsa Infrastructure Development Manager on both corners.

\* \* \* \* \*

21. **Z-7270 – 120 Development Group, LLC**, Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, Requesting rezoning from **HP/RS-4 to HP/RM-2**, (CD-1), (Continued from 6/18/14) (Staff requests a continuance to October 1, 2014 to allow applicant to submit an accompanying PUD.)

**STAFF RECOMMENDATION:**

The applicant needs to file a PUD application and staff is requesting a continuance to October 1, 2014.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **CONTINUE** Z-7270 to October 1, 2014.

\* \* \* \* \*

22. **PUD-811 – Roy D. Johnsen**, Location: North of East 15<sup>th</sup> Street South between St. Louis and Trenton, requesting a **PUD** for retail on ground floor, office use on second level and surface parking, (CD-4), (Continued from 6/4/14, 7/9/14 and 7/23/14)

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

The proposed Planned Unit Development No. 811 to be known as "1551 Cherry Street" comprises 1.88 acres (gross) located at the northwest corner of South Trenton Avenue and East 15<sup>th</sup> Street (an Urban Arterial) and hereinafter referred to as the "Site". The Site has 139-ft of frontage on East 15<sup>th</sup> Street and 241-ft of frontage on South Trenton Avenue. The Site extends north and west to South St. Louis Avenue and has frontage of 200 feet along South St. Louis Avenue.

1551 Cherry Street is an infill development of new construction and in keeping with the established predominant arrangement of commercial uses along East 15<sup>th</sup> Street. The existing car wash will be removed. A two store building is planned for retail and office use. Pedestrian-oriented store fronts at or near the East 15<sup>th</sup> Street right-of-way are planned and parking areas will be provided at the rear of the building.

The Planned Unit Development is submitted to establish a conceptual site plan with designation of uses, permitted intensity, development standards and conditions, including platting and detailed site plan review. The conceptual site plan is depicted within Exhibit B.

The Site frontage on East 15<sup>th</sup> Street is presently zoned CH-Commercial High Intensity District and CS-Shopping Center District and the interior properties are zoned RM-2 Residential Multifamily District. The proposed uses and intensity are permitted by the existing zoning districts and no change to existing zoning is proposed.

**PUD-811 DEVELOPMENT STANDARDS:**

Gross Land Area:	81,784 SF	1.88 acres
Net Land Area	59,646 SF	1.37 acres

Permitted Uses:

East of the alley:

Uses permitted by right within Use Unit 10. Off-Street Parking Areas but only accessory to the principal uses allowed in the PUD; Use Unit 11, Offices, Studios, and Support Services excluding drive-thru banking facilities; Use Unit 12, Eating Places Other Than Drive-Ins; Use Unit 13. Convenience Goods and Services; Use Unit 14. Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

West of the alley:

Uses permitted by right within Use Unit 10. Off-Street Parking Areas but only accessory to the principal uses allowed in the PUD; Use Unit 8 (Multi Family and Similar Uses) may be allowed by right; and uses customarily accessory to permitted principal uses.

Bulk and Area Requirements:

Except as outlined below, the bulk and area requirements will conform to the minimum standards in the Tulsa Zoning Code for the respective CH, CS and RM-2 zoning districts.

Maximum Building Floor Area east of the alley:	27,200 SF*
*Retail uses are limited to 18,000 SF	

Minimum Building Setbacks:

From centerline of 15 <sup>th</sup> St.	30 FT
From centerline of Trenton	30 FT
From east line of n/s Alley located between Trenton and St. Louis	0 FT
From centerline of St. Louis	30 FT
From north property line	10 FT

Maximum Building Height	45 FT
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Multi family structure height west of the alley	75 FT
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Minimum Off-street Parking:

Vehicular Parking for all uses in the PUD area:	100 spaces
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Bicycle Parking: A rack or multiple racks with space to store and secure a minimum of 6 bicycles near the main entrance of any building.

**LANDSCAPE AND SCREENING:**

As an alternative compliance standard to Chapter 11 of the Tulsa Zoning Code the site will meet or exceed the following minimum design guidelines. The detailed landscape plan and site plan will be approved at the Planning Commission:

A minimum 5% of net lot area shall be provided and maintained as landscaped open space.

The site and landscape plan shall illustrate existing trees. Appropriate design considerations in the surface parking area may be made to save large trees, including further reduction in parking space standards. Greens space width requirements have been intentionally omitted allowing maximum flexibility during the landscape and site plan review process. “Green walls”, shrubs, vines could accomplish the goal for appropriate separation with many options. The width is only part of the review process.

**St. Louis Streetscape:**

A masonry screening fence not less than three feet in height and fronted by shrubs, ornamental grasses or other landscape materials, shall be provided and maintained adjacent to any parking area along the St. Louis boundary. Trees will be installed with a spacing of not less than 30 feet in the street right of way or on the lot with similar spacing. The area between the east curb and right of way will be reconstructed to provide a street edge similar to the existing residential area north of this site. Sidewalks will be reconstructed, old stairs will be removed and a retaining wall will be reconstructed to provide a consistent pedestrian edge along the east edge of the parking.

**North boundary of PUD:**

Dense evergreen landscaping shall be provided and maintained along the north boundary of the PUD with sufficient density to provide a visual separation and barrier adjacent to the residential properties. The evergreen barrier will be maintained at a minimum height of 4 feet. In addition to the evergreen visual barrier a taller evergreen tree component of the design will be shown to ultimately buffer the second story windows of the residential development from the parking areas.

Trenton Streetscape:

Trenton streetscape will include street trees and shrubs along the entire east side of the PUD and similar to the conceptual site plan provided.

Trash Enclosure:

The trash enclosure will be full masonry enclosure with metal doors and shall be of sufficient height and size to conceal the trash containers. Trash enclosures will be placed near the south boundary of the PUD similar the location shown on the conceptual site plan.

**LIGHTING:**

Exterior lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area or street right-of-way. No light standard shall exceed 20 feet in height.

**SIGNAGE:**

*Staff Comment: The existing outdoor advertising sign would not be allowed by the current zoning code. The PUD only mentions this sign because it exists and staff cannot require removal of a non conforming sign.*

Signs shall be limited to:

- (a) Wall or canopy signs shall not exceed 2 square feet of display surface area per lineal foot of tenant space. Wall or canopy signs are not allowed on the north side of any building. Wall signs facing west are not allowed further north than 250 feet from the Center of East 15<sup>th</sup> Street South.
- (b) One ground or projecting sign shall be permitted along the East 15<sup>th</sup> Street frontage not to exceed 15 feet in height and 65 square feet of display surface area.
- (c) An outdoor advertising sign, presently exists on site, pursuant to an existing lease. The display surface area or type of sign cannot be modified through the PUD process. The sign may be removed at the owner's discretion without detailed site plan modification of any kind.

## **GENERAL PROVISIONS:**

### **Access and Circulation:**

Vehicular access to the property will be provided by drives to and from Trenton Avenue and to and from the existing alley as depicted within Exhibit C Circulation Diagram.

Pedestrian access improvements along Trenton and St. Louis will be required during detailed site plan review. The existing stairs that were part of the original home sites may be removed or integrated into a complete pedestrian system connecting the proposed parking lot.

### **Drainage and Utilities:**

The majority of the storm water runoff will be directed to existing storm water inlets. A hydrology analysis will be submitted to the City of Tulsa for review during the platting process. Storm water detention, if required, will be illustrated on the final site and landscape plan.

Storm water detention, if required, will not be permitted west of the alley unless it can be placed in a location where it would not significantly interfere with future development opportunities for residential development.

Public water and sanitary sewer is currently available with customary extensions to the Site. Other utilities, including natural gas, electric, telephone and cable television are available in the area and will be utilized by customary extensions.

### **Topography and Existing Soils:**

The site is relatively flat. The Soil Survey of Tulsa County, Oklahoma was used to identify soils types and possible constraints to development. Existing soils on the subject property consist of Urban Land-Dennis Complex, 0%-5% Slope which is not a significant constraint on development.

### **Parcelization:**

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot split application and subject to the further approval by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

### **Transfer of Allocated Floor Area:**

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated, provided however the allocation shall not exceed 10%



of the initial allocation to the lot to which the transfer of floor area is to be made.

**Site Plan and Landscape Plan Review:**

No building permit shall be issued until a detailed site plan and landscape plan of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan.

During the site and landscape plan process the grading plan will be a significant consideration and will be part of the site plan review.

**Platting Requirement:**

No building permit shall be issued until the development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The deed of dedication of required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof.

**Expected Schedule of Development:**

Development of the project is expected to commence within ninety days upon approval of the planned unit development and filing of the subdivision plat and to be completed within 18 months thereafter.

**DETAILED STAFF RECOMENDATION:**

PUD-811 is consistent with the stated purposes and uses of the PUD chapter of the Tulsa Zoning Code, and;

The PUD standards and expected development east of the alley is completely consistent with the vision outlined in the Land Use Plan and Area of Growth map in the Comprehensive Plan, and:

The proposed surface parking west of the alley extends north and significantly into the area designated a Downtown Neighborhood west of the alley. This portion of the PUD is not consistent with the Comprehensive plan. INCOG staff and City Planning both are concerned that this encroachment into the neighborhood will be disruptive to the long term residential character anticipated in the Comprehensive Plan. The surface parking west of the alley should be

considered temporary and provisions have been made in the PUD to encourage future residential development in that part of the PUD. Staff and City Planning both recognize the importance of vehicular parking to the continued success and growth of the Cherry Street area. Balancing the vehicular parking needs and the long term residential vision for the area will be part of the design considerations important to this project therefore the design concepts for the site plan and landscape plan are loosely written. Those plans will be evaluated by City Planning and Planning Commission Staff during the detailed site and landscape plan approval process. Approval of this PUD should not be considered an endorsement of the site plan concept west of the alley. The building placement and general design considerations east of the alley are appropriate to the area and supported by staff and;

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

Staff recommends **APPROVAL** of PUD-811 as outlined in Section I above.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The proposed PUD is consistent with the Comprehensive Plan and will provide improvements to the pedestrian realm along East 15<sup>th</sup> Street South (Cherry Street), St. Louis Avenue and Trenton Avenue. The new building will provide appropriate Main Street styled infill along 15<sup>th</sup> street. The parking adjacent to St. Louis extends further north into the residential neighborhood than might normally be acceptable however the PUD will provide adequate lighting standards, landscaping and sign restrictions to provide appropriate transition toward the residential area. The connectivity provided by the alley will continue to be enhanced through the development of this PUD.*

### Land Use Vision:

*Land Use Plan map designation: The PUD request is divided between two land use designations. The north portion of the project is part of a Downtown Neighborhood, the south part is part of a Main Street 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.

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

*Areas of Stability and Growth designation:* The PUD is all considered an 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 15<sup>th</sup> street is an Urban Arterial street with a Main Street overlay. On street parking is encouraged and shown on the conceptual plan in this PUD. This PUD will enhance the Main Street vision of the Tulsa Comprehensive Plan along 15<sup>th</sup> Street.

Trail System Master Plan Considerations: There are no trail considerations for this property however the site is within one mile of the Katy Trail that crosses 15<sup>th</sup> street west of Peoria.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: During the site, grading and landscape design process the developer of the property will be encouraged to protect and work with some of the existing trees on the property. All existing trees larger than 6" caliper will be shown on the site plan. If necessary the parking requirements may be modified during the site plan process to protect existing trees.*

Environmental Considerations: There are no terrain, soil or flood constraints on this site that are significant to the development opportunities on this property. The existing site was formally single family residential north of the proposed building and several large trees remain after home demolition.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South St. Louis Ave.	None	50 feet	2
South Trenton Ave.	None	50 feet	2
East 15 <sup>th</sup> Street South	Urban Arterial/Main Street	70 feet	2 with on-street parking

Utilities:

The subject tract has municipal water and sewer available. The PUD has been presented at a TAC meeting with a different concept which contemplated structured parking and apartments on the west portion of the PUD. All franchise utilities are available to the site. Stormwater management and associated grading has not been presented.

Surrounding Properties: The subject tract is surrounded by a wide variety of uses in a Main Street Environment. Generally the north side of the site is abutted by multifamily and attached single family condominiums style development. South the site is high intensity commercial development property.

### **SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 14095 dated April 3, 1978, and 11815 dated June 26, 1970, established zoning for the subject property.

#### ***Subject Property:***

**Z-5066 April 1978:** All concurred in approval of a request for rezoning a tract of land from OL to CS on property located north of northwest corner of E. 15<sup>th</sup> St. and S. Trenton Ave.

#### ***Surrounding Property:***

**PUD-760-A January 2012:** All concurred in approval of a proposed Major Amendment to PUD on a 1± acre tract of land to add Use Unit 12a to permitted uses to allow for a bar, on property located on northwest corner of East 15<sup>th</sup> Street and South Troost Avenue.

**PUD-760 October 2008:** All concurred in approval of a proposed Planned Unit Development on a 1.35± acre tract of land for retail and office use on property located on northwest corner of East 15<sup>th</sup> Street and South Troost Avenue.

**BOA-20058 June 14, 2005:** The Board of Adjustment Variance of required 35 ft. setback from centerline of 15<sup>th</sup> St. to 30 ft. (Section 215); a Variance of required parking for restaurant and outdoor dining area from 54 to 41 spaces (Section 1212.D); and a Special Exception to allow parking on a lot other than the lot containing the principal use, Section 1301.D, with conditions: a six-foot double-picket fence on the north property line; a tie agreement; a five-foot wide landscaping strip along the north property line, south of the double-picket fence; preserve the large tree on north property line of Lot 36, all other landscaping requirements to be met and no live music in the outside dining area, and the music that is played be of low intensity, on property located at 1525 E. 15<sup>th</sup> St. S., 1441 S. St. Louis Av. E.

#### **Applicant's Comments:**

**Roy Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that this is a quality development and during detail site plan there will be issues resolved. Mr. Johnsen indicated his agreement with the staff recommendation.

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

**Greg Guerrero**, 1120 South Boston Avenue, 74119, stated that he is representing properties at 1417 South St Louis and 1420 and 1424 South Trenton. Mr. Guerrero indicated that he is not opposed to development in the subject area and everything that has been done is an improvement. Mr. Guerrero commented that it is unrealistic to expect that the parking area will

be anything but parking. There is a high demand for parking and the greatest issue we have had is people coming in and filling up his client's parking lots to go to restaurants.

Mr. Guerrero expressed concerns with landscaping, screening fences/walls, etc. Mr. Guerrero wanted to discourage people from parking in his client's parking lots if they were not customers of his clients. After discussion it was determined that the concerns he expressed would be addressed during the detail site plan and it would come back before the Planning Commission.

**Applicant's Rebuttal:**

Mr. Johnsen stated that he doubts Mr. Guerrero has seen the latest staff recommendation, which addresses the issues he is concerned with. The detail site plan will have appropriate landscaping, screening, redoing the sidewalks, and other things that will be helpful to all the surrounding properties. Mr. Johnsen indicated that he would be willing to meet with Mr. Guerrero to go over the detail site plan prior to the public hearing.

Discussion ensued regarding parking, drive-lanes, etc. Mr. Wilkerson reiterated that these details will be addressed during the detail site plan.

**TMAPC Action; 7 members present:**

On **MOTION** of **STIRLING**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to recommend **APPROVAL** of PUD-811 per staff recommendation.

**Legal Description for PUD-811:**

A TRACT OF LAND THAT IS A PART OF LOT TWO (2), BLOCK TWO (2), AND ALL OF LOTS THREE (3), FOUR (4), FIVE (5), AND SIX (6), BLOCK TWO (2), "CLARK'S ADDITION", AND ALL OF LOTS THIRTEEN (13), THIRTY-SEVEN (37), THIRTY-EIGHT (38), THIRTY-NINE (39), AND FORTY (40), BLOCK TWELVE (12), "FOREST PARK ADDITION", BOTH BEING ADDITIONS TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF (PLAT NO. 49 AND NO. 246), AND A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°10'00" EAST AND ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, FOR A DISTANCE OF 1548.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°24'00" WEST FOR A DISTANCE OF 180.50 FEET TO A POINT; THENCE SOUTH 89°10'00" WEST, AND ALONG

AND THROUGH THE SOUTH LINE OF LOT 37 FOR A DISTANCE OF 165.00 FEET TO A POINT ON THE PRESENT CENTER OF RIGHT-OF-WAY OF SOUTH ST. LOUIS AVENUE; THENCE NORTH 01°24'00" WEST AND ALONG SAID CENTER OF RIGHT-OF-WAY FOR A DISTANCE OF 150.00 FEET TO A POINT; THENCE NORTH 89°10'00" EAST AND ALONG AND THROUGH THE NORTH LINE OF LOT THIRTEEN (13) FOR A DISTANCE OF 165.00 FEET TO A POINT; THENCE SOUTH 01°24'00" EAST FOR A DISTANCE OF 89.50 FEET TO A POINT; THENCE NORTH 89°10'00" EAST AND ALONG AND THROUGH THE NORTH LINE OF LOT 2 FOR A DISTANCE OF 175.00 FEET TO A POINT ON THE PRESENT CENTER OF RIGHT-OF-WAY OF SOUTH TRENTON AVENUE; THENCE SOUTH 01°24'00" EAST AND ALONG SAID CENTER OF RIGHT-OF-WAY FOR A DISTANCE OF 241.00 FEET TO A POINT ON THE PRESENT CENTER OF RIGHT-OF-WAY OF EAST 15TH STREET SOUTH, SAID CENTER ALSO BEING THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 89°10'00" WEST AND ALONG SAID SOUTH LINE, FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING;

\* \* \* \* \*

23. **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, (County), (Continued from 7/23/14) (Staff requests a continuance to August 20, 2014.)

**STAFF RECOMMENDATION:**

Staff is requesting a continuance to August 20, 2014.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **CONTINUE** PUD-683-A to August 20, 2014.

\* \* \* \* \*

**COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING**

24. **CPA-27 - Bruce Robbins**, Location: Southeast corner of East 11<sup>th</sup> Street South and South Lynn Lane Road, requesting amendments to the Land Use Map in the Tulsa Comprehensive Plan to amend Land Use designation from “New Neighborhood” to “Mixed-Use Corridor”, and; to amend Land Use designation from “New Neighborhood” to “Employment”.

**STAFF RECOMMENDATION:**

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT  
REQUEST**

E. 11<sup>th</sup> St. South & S. Lynn Lane Rd. (CPA-27)

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

<b>Request 1:</b>	<b>Request 2:</b>
<b>Existing Land Use:</b> <i>New Neighborhood</i>	<b>Existing Land Use:</b> <i>New Neighborhood</i>
<b>Proposed Land Use:</b> <i>Mixed-Use Corridor</i>	<b>Proposed Land Use:</b> <i>Employment</i>
<b>Location:</b> South of the southeast corner of S. Lynn Lane Rd. and E. 11 <sup>th</sup> St. South	<b>Location:</b> East of the southeast corner of S. Lynn Lane Rd. and E. 11 <sup>th</sup> St. South
<b>Size:</b> approx. 6.95 acres	<b>Size:</b> approx. 19.32 acres
<b>Staff Recommendation: Approval</b>	<b>Staff Recommendation: Denial</b>

**A. Background**

The area that is subject to this Comprehensive Plan amendment application is located in an area in eastern Tulsa that remains largely undeveloped. Properties in this immediate area contain large lot residential, agricultural, and/or light industrial uses. There is also a significant amount of vacant land in the area and the development character of this area has not been yet established.

In November of 2013, the applicant submitted a rezoning application (Z-7250) from AG to IL on a 13.65 acre site to support development of a light industrial use. The site subject to Z-7250 is the parcel furthest east in this Comprehensive Plan amendment application. This site and immediately surrounding area were designated as a *New Neighborhood* when the Comprehensive Plan was adopted in 2010.

Because of the inconsistencies of a proposed industrial use with the existing *New Neighborhood* Land Use designation, staff and the Planning Commission recommended denial of Z-7250 at the January 22, 2014 TMAPC public hearing. Following that meeting, the applicant continued



conversations with TMAPC staff, City of Tulsa Planning staff, City Council staff and adjacent property owners about other potential land use scenarios for the area.

Also following that meeting, the applicant appealed the TMAPC action to the City Council. However, since the conversations about alternative land use in the area were still ongoing, City Council voted in a 9-0-0 vote on April 3, 2014 to table the appeal until land uses could more closely examined in the broader area.

The applicant's request reflects the alternative land use scenario that came out of those discussions. The affected property owners have all consented to this application. Unfortunately, despite multiple attempts, the property owner of the parcel identified as #6 (lying in the middle of this amendment request) could not be reached. The applicant and the District 6 City Councilor attempted to contact this property owner; however, they were never able to communicate with him. Therefore, this parcel was not included in the amendment application.

As part of the land use scenario proposed in this Comprehensive Plan amendment applicant, there are two different land use requests. This staff report provides a summary of the requests and staff recommendations.

## **B. Existing Land Use/Area of Stability and Growth Designations**

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, this area was designated as an *Area of Growth*:

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the

opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

The *New Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The **New Neighborhood** Residential Building Block is comprised of a plan category by the same name. It 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.”

### C. Proposed Land Use Designations

The applicant is proposing to introduce two new land uses on this site as part of the amendment requests: *Mixed-Use Corridor* and *Employment*.

“**Mixed-Use Corridors** are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.”

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

“Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be

able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.”

**D. Zoning and Surrounding Uses:**

**Request 1: New Neighborhood to Mixed-Use Corridor**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-1	<i>Mixed-Use Corridor</i>	church & residential uses
South	RS-1	<i>New Neighborhood</i>	floodplain, vacant
East	RS-1	<i>New Neighborhood, Proposed Employment</i>	vacant
West	AG	<i>New Neighborhood</i>	S. Lynn Lane Rd., then vacant

**Request 2: New Neighborhood to Employment**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	<i>New Neighborhood</i>	E. 11 <sup>th</sup> St. S., then scattered residential, agricultural & industrial uses
South	AG	<i>New Neighborhood</i>	floodplain, vacant
East	AG	<i>New Neighborhood</i>	vacant
West	RS-1	<i>New Neighborhood, Proposed Mixed-Use Corridor</i>	vacant & residential uses

**E. Applicant’s Justification:**

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

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

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

*“The Comprehensive Plan currently has the area southeast of S. 177<sup>th</sup> E. Ave. and E. 11<sup>th</sup> St. S designated as new residential. As you may know, that area is heavily stricken with bedrock/limestone, which makes building structures like homes extremely difficult and costly. Also, the outdated infrastructure which currently exists isn’t appealing to future residents. My client believes his planned welding shop on 11<sup>th</sup> St., just east of S. 177<sup>th</sup> E. Ave., fits what the residents envision for this area and what is more likely to develop than a new neighborhood. However, the Comprehensive Plan does not reflect that reality. We have worked with INCOG staff to come up with an alternative map for land use designation of this area, which would extend the mixed use corridor south up to the existing flood plain and would create an employment land use area just east of that mixed use corridor.*

*During the City’s study of this area for the Comprehensive Plan, the flood plain did not appear to be considered when land uses were assigned. The topography of the land would make it impossible for a new neighborhood to extend north over the flood plain to reach 11<sup>th</sup> St. Also, there currently aren’t many people looking to move to the area due to the lack of development in regards to infrastructure, housing, and jobs. We believe adding new businesses would enable progress and allocate resources, channel growth, raise property values, etc., to the surrounding area. The City of Tulsa would ultimately benefit due to the improved access to jobs and services—thus stimulating our economy. As a result, the revitalization and redevelopment of this area would be paramount to the sustainability and value of the property.*

*My client is aiming to rejuvenate the area, adding additional momentum to the existing small businesses and industries naturally evolving and stimulating the economy in a positive way. We are trying to keep the big picture in mind while respecting the rights of the property owners. While gathering information from residents, there seems to be a cooperative outlook in regards to improving the area. They agree that other uses besides a new neighborhood could be beneficial to the neighborhood.*

*If we are allowed to move forward with this amendment to the Comprehensive Plan, this could have a major effect on the future growth of the area. ”*

## F. Staff Response:

As it exists today, this area is primarily undeveloped, with the exception of large lot residential, agricultural and scattered industrial type uses. The vision for this area will be shaped by the Comprehensive Plan land use designations, as well as the various types of existing and new development that occurs in the area.

Although conditions relating to the southeast corner of S. Lynn Lane Road and E. 11<sup>th</sup> St. South have not changed since it was assigned the *New Neighborhood* land use designation in 2010, certain features did not appear to be taken into consideration at that time. Most importantly, the floodplain (located to the south of this area) provides a significant barrier between future development that will occur north and south of the floodplain.

The *New Neighborhood* land use designation may not be most appropriate for the area between the floodplain and E. 11<sup>th</sup> Street South, especially where the area north of floodplain narrows approaching S. Lynn Lane Road. Therefore, the applicant's proposed land use designations of *Mixed-Use Corridor* and *Employment* in the area seem feasible.

The area proposed for expansion of the *Mixed-Use Corridor* land use designation simply includes the area between the existing *Mixed-Use Corridor* land use designation and the floodplain. If this area were to retain the *New Neighborhood* land use designation, it would be physically isolated from the rest of the area designated *New Neighborhood* due to the floodplain that forms the southern border of this area. Therefore, this request is a logical extension of the *Mixed-Use Corridor* land use designation.

The area proposed for the *Employment* land use designation extends east of the existing *Mixed-Use Corridor* land use designation. The only issue with this proposed boundary is that the applicant and District 6 City Councilor were unable to reach and gain consent from the owner of the parcel (identified as #6) which is immediately east of the existing *Mixed-Use Corridor* land use designation, just south of E. 11<sup>th</sup> Street South. If this parcel were included in this request, this would be consistent with other locations in the City of Tulsa where *Employment* land use designations abut *Mixed-Use Corridor* land use designations located at an intersection.

The expansion of the *Mixed-Use Corridor* land use designation and introduction of the *Employment* land use designation would benefit this area and the City of Tulsa by allowing for a greater mix of uses at this location. The proposed land use scenario is supported by the Tulsa Comprehensive Plan in that it moves toward a healthy balance of jobs and

households in the area; helps to achieve job growth; and create an environment for entrepreneurs (p. LU 80). *Employment* areas, as defined in the Comprehensive Plan, require access to major arterials or interstates. The Major Street and Highway Plan (MSHP) designates this segment of E. 11<sup>th</sup> Street South as a Secondary Arterial; therefore, the *Employment* land use designation at this location would have appropriate access.

## II. STAFF RECOMMENDATION

- Staff recommends **approval** of the *Mixed-Use Corridor* land use designation as submitted by the applicant; and
- Staff recommends **denial** of the *Employment* land use designation as submitted by the applicant based on the irregular boundaries of the proposed area;

*Or in the alternative:*

- Staff recommends a **continuance of applicant's request until September 23, 2014;** and
- on agenda, "Other Business": Consider initiation of an amendment on **Parcel # 6 from New Neighborhood to Employment land use designation** to allow staff time to notice Parcel #6 and bring back the entire area to the TMAPC for consideration.

Ms. Miller presented CPA-27 and explained the proposed amendments. Ms. Miller explained that Mr. Robbins was able to contact all of the property owners except for one. Ms. Miller stated that Mr. Robbins tried numerous times to contact the property owner for parcel 6, but was unsuccessful. Ms. Miller gave the Planning Commissioners several options for possible action.

### Applicant's Comments:

**Bruce Robbins, Jr.**, 2015 East 51<sup>st</sup> Street, 74105, stated that he tried several times to contact the owner of parcel 6 and was not successful. He cited the various ways he tried to contact the property owner.

After lengthy discussion it was determined to continue this application to September 3, 2014 along with the next item on the agenda, which is to have the TMAPC initiate an amendment to parcel 6 and give notice for the public.

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

### **TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **CONTINUE** CPA-27 to September 3, 2014. (Language underlined has been added and language with a strike-through has been deleted.)

**OTHER BUSINESS**

25. **TMAPC consider initiating amendment to the Land Use Map in the Tulsa Comprehensive Plan** to amend Land Use designation from “New Neighborhood” to “Employment” on parcel 6 as described in CPA-27.

**STAFF RECOMMENDATION:**

**Item:** Consider initiating amendment to the Land Use Map from *New Neighborhood* to *Employment* on Parcel 6, as described in CPA-27.

**Background:** The area that is subject to Comprehensive Plan amendment application CPA-27 is located in an area in eastern Tulsa that remains largely undeveloped. This application and surrounding area is fully described in the staff report for CPA-27 on today’s agenda.

The applicant and the District 6 City Councilor (see attached letters) attempted to contact the property owner on Parcel #6 to gain his consent for the land use change; however, they were never able to communicate with him. Comprehensive Plan amendments can only be initiated by the property owner, City Council or the TMAPC. Therefore, in order to support an appropriate change in land use for this area, the Planning Commission is being asked to initiate a change from *New Neighborhood* to *Employment* on Parcel #6 (as shown on the attached map). All other affected property owners have all consented to the request in application CPA-27.

**Recommendation:** Staff Recommends that the Planning Commission consider initiation of an amendment on **Parcel #6 from *New Neighborhood* to *Employment* land use designation** to allow staff time to notice Parcel #6 and bring back the entire area to the TMAPC for consideration.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **STIRLING**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; Carnes, Covey, Liotta, Midget “absent”) to **APPROVE** to initiate the amendment to the Land Use Map in the Tulsa Comprehensive Plan to amend Land Use designation from “New Neighborhood” to “Employment” on parcel 6 as described in CPA-27 and to give notice and set for public hearing for September 3, 2014.

\* \* \* \* \*

26. **Commissioners' Comments:** None.

\* \* \* \* \*

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Midget "absent") to **ADJOURN** TMAPC meeting No. 2679.

**ADJOURN**

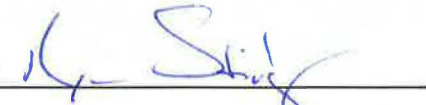
There being no further business, the Chair declared the meeting adjourned at 2:27 p.m.

Date Approved:

08-20-2014

  
Chairman

ATTEST:

  
Secretary