

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2684

Wednesday, October 15, 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	Dix	Fernandez	Duke, COT
Covey	Reeds	Foster	VanValkenburgh, Legal
Fretz	Walker	Hoyt	
Liotta		Huntsinger	
Midget		Miller	
Millikin		Wilkerson	
Shivel			
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 9, 2014 at 3:15 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, Chair Covey called the meeting to order at 1:34 p.m.

### REPORTS:

**Work Session Report:** Mr. Covey reported that there would be a work session held on November 5, 2014.

**Director's Report:** Ms. Miller reported on the TMAPC receipts for the month of August 2014. Ms. Miller indicated that the applications have significantly increased since August of 2013.

Ms. Miller reported on the City Council agenda and upcoming applications. Ms. Miller stated that the November 5<sup>th</sup> work session will be about PUD/process and Mr. Swiney from the Legal Department will be speaking on the "The Open Meetings Act".

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1. **Minutes:**

**Approval of the minutes of October 1, 2014 Meeting No. 2683**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling “aye”; no “nays”; none “abstaining”; Dix, Reeds, Walker “absent”) to **APPROVE** the minutes of the meeting of October 1, 2014, Meeting No. 2683.

\* \* \* \* \*

Mr. Covey stated that Items 7 and 15 will be removed from the consent agenda.

**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-20725**, (Lot-split) (County) - Location: South of southwest corner of East 116<sup>th</sup> Street North and US Highway 75, (related to LC-616)
3. **LC-616**, (Lot-combination) (County) - Location: South of southwest corner of East 116<sup>th</sup> Street North and US Highway 75, (related to LS-20725)
4. **LC-617**, (Lot-combination) (CD-2) - Location: North of northwest corner of South 32nd West Avenue and West 47<sup>th</sup> Street South
5. **LS-20727**, (Lot-split) (County) - Location: East of southwest corner of East 131<sup>st</sup> Street North and North 89<sup>th</sup> East Avenue
6. **LC-618**, (Lot-combination) (County) - Location: North of northwest corner of West 59<sup>th</sup> Street South and South 170<sup>th</sup> West Avenue
7. **LS-20728**, (Lot-split) (CD-2) - Location: West of West 78<sup>th</sup> Street South and South Union Avenue

This item has been removed from the consent agenda.

8. **LS-20729**, (Lot-split) (County) - Location: North of northeast corner of West 61<sup>st</sup> Street South and South 85<sup>th</sup> West Avenue, (County) (related to LC-619)
9. **LC-619**, (Lot-combination) (County) - Location: North of northeast corner of West 61<sup>st</sup> Street South and South 85<sup>th</sup> West Avenue, (related to LS-20729)

10. **LS-20730**, (Lot-split) (County) - Location: Northeast corner of East 136<sup>th</sup> Street North and North 90<sup>th</sup> East Avenue
11. **LS-20731**, (Lot-split) (CD-6) - Location: South of the southwest corner of East Admiral Place and South 193<sup>rd</sup> East Avenue, (related to LC-620)
12. **LC-620**, (Lot-combination) (CD-6) - Location: South of the southwest corner of East Admiral Place and South 193<sup>rd</sup> East Avenue, (related to LS-20731)
13. **Amendment to Covenants – The Walk**, Location: Southeast corner of Highway 75 and West 81<sup>st</sup> Street South, (CD 2)
14. **PUD-717-2 – Sack & Associates, Inc./Ted Sack**, Location: South of southwest corner of East 116<sup>th</sup> Street North and North 44<sup>th</sup> East Avenue, requesting a PUD Minor Amendment to reallocate floor area within Tract B, **IL/PUD-717**, (County)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD to reallocate floor area within Tract B.

This application is related to Case Number PUD-717-A to abandon a portion of PUD-717. Tract B will be divided into Tract B-1 and B-2. Pending approval of PUD-717-A, Tract B-1 will no longer be a portion of PUD-717.

Currently the maximum floor area for Tract B is 35,000 sf. The applicant proposes to reallocate the maximum floor area as follows:

Maximum Allowable Floor Area: Tract B-1: 0 SF  
Tract B-2: 35,000 SF

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-717 shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to reallocate floor area within Tract B.

15. **PUD-686-10 – Mike Hughes Architect**, Location: Southeast corner of South Oswego Avenue and East 118<sup>th</sup> Boulevard, requesting a PUD Minor Amendment to reduce the rear yard setback from 20 feet to 10 feet, **RS-2/PUD-686**, (CD-8)

This Item has been removed from the consent agenda.

16. **PUD-636-C – Cedar Creek Consulting/Jason Emmett**, Location: Northeast corner of West 81<sup>st</sup> Street South and South Union Avenue, requesting PUD Detail Site Plan for a new hotel within the PUD, **CO/PUD-636**, (CD-2)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 2.64 Acre site in a Planned Unit Development for a new Hotel including one, four story building to be located in Development Area G.

**PERMITTED USES:**

The PUD and Corridor Development Plan establishes the uses as those allowed by right in a CS zoning district. As permitted by right in a CS district, including nightclub and/or bar if located within a principal hotel or motel building, but excluding other Use Unit 12A uses. The proposed Retail Building is allowed 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. All parking lot lighting shall be hooded and directed downward and away from residential areas.

**SIGNAGE:**

The site plan illustrates new 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 displays existing sidewalks along West 80<sup>th</sup> Street South. Internal circulation pathways are also shown to be provided on the site adjacent to the building.

**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-636-C**. 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 hotel. Approval of this detail site plan is dependent upon the approval of the plat for Nickel Creek Phase 4.

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

17. **AC-130 – J.R. Donelson**, Location: West of 145<sup>th</sup> East Avenue on the south side of Pine, requesting an Alternative Compliance Landscape Plan for an unoccupied storage building, (CD-3)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for proposed new concrete equipment and supply building that will not be served with water or sewer service.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code for the following reasons:

- 1) The parking spaces for the storage lot will not be within 50 feet of a required landscaped area, as required by section 1002.B.1 of the Code.
- 2) The site does not provide required street yard trees as required by Section 1002.C.1 of the Code
- 3) The site is required to have one tree for three parking spaces.
- 4) The site cannot be irrigated, there is no water service to the site and none is anticipated.
- 5) The parking will be constructed without a concrete curb or other protection adjacent to the landscape areas.

In exchange for development of the site that would meet the provisions of the code noted above the applicant has voluntarily agreed to protect the existing trees as shown on the plan and provide water when appropriate from off site.

Any gravel between Pine and the proposed building will be removed and replaced with 6" of topsoil and covered with sod. The sod will be watered manually until established.

The code allows the Planning Commission to approve Alternative Compliance Landscape Plans that do not meet the technical requirements of Chapter 10 of the code, so long as the submitted plan is, "equivalent to or better than" the requirements of Chapter 10.

The subject property is zoned IL. Chapter 10 of the Code states that 15% of the street yard on non-residential lots shall be landscaped. The alternative compliance landscape plan provides 100% landscaped area in the street yard, and saves 9 existing trees larger than 6" diameter which provides a credit of 18 trees.

In lieu of placing 5 new trees the applicant request saving the existing trees and provides front yard improvements. The existing trees, even though they are all along the east fence line, provide a more significant urban forest than would be created if the a few trees were scattered through the site. This design solution provides greater benefit to the property by providing meaningful shade and wildlife habitat.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-130.

18. **AC-131 – AAB Engineering, LLC/Alan Betchan**, Location: Southwest corner of South Memorial Drive and East Admiral Place, requesting an Alternative Compliance Landscape Plan in lieu of the requirement for all parking spaces to be placed within 50 feet of a landscape area with a tree, **CH**, (CD-3)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a proposed new convenience store at the southwest corner of South Memorial at East Admiral Place North.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code for the following reasons:

- 1) The parking spaces for the storage lot will not be within 50 feet of a required landscaped area, as required by section 1002.B.1 of the Code.

In exchange for site development that would meet the provisions of the Landscape Chapter of the Tulsa Zoning Code noted above, the applicant has voluntarily agreed to provide an alternative compliance plan providing 13 trees and two landscape beds and full site irrigation that are part of the corporate identity for the QuikTrip Corporation.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the Code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-131.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to **APPROVE** the consent agenda Items 2 through 6, 8 through 14; and 16 through 18 per staff recommendation.

\* \* \* \* \*

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

Mr. Covey reiterated that if there is anyone wishing to speak they will have to sign in.

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

7. **LS-20728**, (Lot-split) (CD-2) - Location: West of West 78<sup>th</sup> Street South and South Union Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the subject property is zoned RS-3 and staff has recently become aware of the fact that the sewer representative for Development Services has said that lateral lines are extending onto one of the lots that is being created. There is also a neighbor who is concerned about some of the history on the property, including an existing lagoon. Mrs. Fernandez indicated that there is a sewer district to the north of the subject property to where the City may have the applicant tie onto the sewer district. These facts aren't to the point to where staff can recommend approval or denial and staff needs more time to do more research. Staff is requesting a continuance on this item, but would appreciate if the applicant and interested party could speak.

In response to Mr. Covey, Mrs. Fernandez stated that two weeks, November 5, 2014.

Mr. Carnes stated that in the past the Planning Commission would only allow the parties speak on the continuance only and not the issue.

Mrs. Fernandez stated that this is true when the applicant requests the continuance, but staff is saying that they can't make a recommendation at this point because of the interest of the neighbor and because of some of the staff members. Mrs. Fernandez further stated that Mr. Southern has taken his time to be here.



Mr. Covey stated that staff is requesting the continuance and neither the applicant nor interested party has requested the continuance.

Mr. Covey asked the applicant if he had a problem with the continuance. The applicant stated that he is not aware of what the issues are at this time.

**Applicant's Comments:**

**Jay Menger**, 7805 South Xenophon Avenue, 74132, stated that he is trying to split off some property to sell to a purchaser who wants to build a custom home. Mr. Menger indicated that he purchased the property in 1994 and it has been his primary residence since then. Mr. Menger stated that in 2002 he installed a lateral field on Tract 2. He explained that the people buying Tract 2 are going to install an aerobic sewer system and that will require discontinued use of the lateral field. Mr. Menger explained that he plans to install an aerobic system for his home. Mr. Menger stated that his septic system wasn't working adequately for a family of seven and Mr. Southern approached him about installing a larger or new system. Mr. Menger explained that in 2002 he applied for an aerobic system and was denied, but now they are being installed everywhere within Tulsa and now they are considered to be the system to go with.

**INTERESTED PARTIES COMMENTS:**

**John Southern**, 2002 West 78<sup>th</sup> Street, 74132, stated that he lives directly west of Mr. Menger. Mr. Southern submitted a packet of information (Exhibit A-1), which included photographs of the subject property, a contour map, emails and processed personal checks. Mr. Southern read a letter explaining that he paid \$3,000.00 dollars toward Mr. Menger's lateral field that is located on Tract 2 before building his own home. Mr. Southern explained that there is an existing lagoon on the subject property, but when Mr. Menger moved in it became a nuisance and odor hazard. Mr. Southern stated that he made an agreement with Mr. Menger to help pay for the installation of the lateral lines on Tract 2. Mr. Southern indicated that this was done before building his home adjacent to Mr. Menger. Mr. Southern stated that it is the City's requirement that if a property abuts property with a sewer system they have to tie on. Mr. Southern indicated that Mr. Menger and the proposed Tract 2 abut the sewer system and should hook up to it. Mr. Southern explained that he is downhill from the two subject properties and it will leach onto his property.

**Applicant's Rebuttal:**

Mr. Menger stated that an aerobic system is a proven solution on these types of properties. Directly across 78<sup>th</sup> Street there is a 2.3 acre tract that has been subdivided into three lots and they have aerobic systems on one of those where there is a home. Once he sells Tract 2 the new owner will

have almost a full acre for the aerobic system and he doesn't see the issue.

**TMAPC COMMENTS:**

Mr. Covey asked Mrs. Fernandez if she had anything further say before voting on the continuance. Mrs. Fernandez stated that the issue is that staffs, both Development Services and planning staff are not certain that this can be properly sewered. Mrs. Fernandez explained that more research is needed before acting on this application and that is why staff is requesting a continuance.

Mr. Covey stated that he understands the continuance and staff trying to do their job. Mr. Covey asked why this application was on the agenda and did it take Mr. Southern raising these issues. Mrs. Fernandez stated that staff has had some issues; unfortunately, the sewer representative looked at the subject property and stated that the sewer lines appear to be on another tract and then Mr. Southern coming in raised the flags. Mrs. Fernandez explained that usually a lot-split application is taken and several departments look at the request and it is then put on an agenda; however, this one is simply not ready at this time.

In response to Mr. Liotta, Mr. Menger explained that he doesn't have an aerobic sewer system at this time, but he plans to install one. Mr. Menger stated that currently he has two tanks with a pump that pumps it to a lateral field that is on Tract 2. Mr. Menger further stated that he understands he will have to purchase one more tank to install the aerobic system and that is his plans.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to **CONTINUE** LS-20782 to November 5, 2014.

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15. **PUD-686-10 – Mike Hughes Architect**, Location: Southeast corner of South Oswego Avenue and East 118<sup>th</sup> Boulevard, requesting a PUD Minor Amendment to reduce the rear yard setback from 20 feet to 10 feet, **RS-2/PUD-686**, (CD-8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD to reduce the required rear yard setback from 20 ft to 10 ft for Lot 1, Block 2.

For this lot, the rear yard is considered to be the southern yard, adjacent to South Delaware Avenue.

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-686 shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to reduce the required rear yard setback from 20 ft to 10 ft for Lot 1, Block 2.

**TMAPC COMMENTS:**

Mr. Fretz asked how deep and what utilities are in the easement. Mr. Hoyt stated that it is a building setback as far as he is aware of. Mr. Fretz stated that the home is being built two feet from the easement and it could create problems for the utility contractors. Mr. Hoyt stated that he doesn't have any information on what is existing in the easement and would have to defer to the applicant.

**Applicant's Comments:**

**Mike Hughes**, 6636 South 67<sup>th</sup> East Avenue, 74133, stated that the subject property is an irregular shape and the wall encroaches onto the subject property. It is one of the few lots left in the subdivision and he doesn't believe that there is a sewer running through the subject area. The relief requested is on the narrow end of the house, but it will allow some backyard for the house. Mr. Hughes stated that it will be a couple of feet from the utility right-of-way.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to **APPROVE** the minor amendment for PUD-686-10 per staff recommendation.

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## **COMPREHENSIVE PLAN PUBLIC HEARINGS:**

Mr. Covey announced that Items 19, 20 and 21 will be presented together. Mr. Covey stated that the applicant will receive 20 minutes for his presentation and interested parties will be given five minutes. Mr. Reynolds will be given time for a rebuttal.

19. **CPA-31 – Eller & Detrich/Lou Reynolds**, Location: South and east of the southeast corner of South Memorial Drive and East Admiral Place, requesting Amendment to The Comprehensive Plan for an employment land use designation, **OL/CH/CS to CH/PUD**, (CD-3) (Related to Z-7282 and PUD-820)

### **STAFF RECOMMENDATION:**

#### **COMPREHENSIVE PLAN LAND USE MAP AMENDMENT REQUEST**

S and E of the SE/c of S. Memorial Dr. and E. Admiral Pl. (CPA-31)

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

<b>Existing Land Use:</b> <i>Town Center</i> (west 7.33 acres) & <i>New Neighborhood</i> (east 18.46 acres)
<b>Proposed Land Use:</b> <i>Employment</i>
<b>Location:</b> S and E of the SE/c of S. Memorial Dr. and E. Admiral Place
<b>Size:</b> approx. 25.79 acres

#### **A. Background**

The area that is subject to this Comprehensive Plan amendment application is located in an area in Tulsa that has historically been a mix of commercial, light industrial and residential uses. The subject site is vacant and is surrounded by established residential neighborhoods on the south and east and vacant properties on the north and west. This site and area immediately north/northeast were designated as a *New Neighborhood* and an Area of Growth when the Comprehensive Plan was adopted in 2010.

## B. Existing Land Use/Area of Stability and Growth Designations (Tulsa Comprehensive Plan)

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.”

*Town Center* and *New Neighborhood* land use designations were assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“**Town Centers** are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single-family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.”

“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. East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 “412 Corridor”**

The East Tulsa neighborhood plan also recognizes this undeveloped land as an opportunity site for development. The plan’s “Detailed Area Plan” map (page 43) designates this site as a “vacant, undeveloped or underdeveloped Large Site” suitable for development. Plan recommendations include:

#### **“G. Vacant, Undeveloped or Under-Developed Large Sites**

“(1) There are several sites in the East Tulsa 412 Corridor Phase 2 Detailed Study Area that were considered by the East Tulsa Community Planning Team to be vacant, undeveloped, or underdeveloped. It is recommended that these sites be developed in a manner that will support the overall goals and recommended policies of the East Tulsa Neighborhood Detailed Implementation Plan. The sites should be developed in accordance with the applicable District Plan and the “Metropolitan Development Guidelines”.

“(3) The vacant and undeveloped lands are recognized as opportunity sites for development and extension of municipal services, particularly potable water and sanitary “sewerage service, are intended to be extended to these areas in a timely manner as possible. Potential uses and development considerations for vacant, undeveloped, and under-developed large sites are set forth in Appendix P – “Community Suggested Uses and Development P Improvements and Considerations” and Appendix Q – “Additional Vacant, Undeveloped, Under-Developed Property and Opportunity Sites”. Also depicted are important considerations which should be taken into account when development of these sites is to occur. There are other development factors that must also be considered, but which have not been noted at in this study.

“(4) Should development of vacant and undeveloped property require new zoning, it is encouraged that the rezoning be coupled with a Planned Unit Development

(P.U.D.) when the property is adjacent to existing and planned residential neighborhoods to help insure appropriate protection and buffering of the neighborhoods.”

(SOURCE: East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 “412 Corridor”; pages 36-37; 43.)

#### **D. Proposed Land Use Designation (Tulsa Comprehensive Plan)**

The applicant is proposing an *Employment* land use designation on the subject site.

“**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.”

#### **E. Zoning and Surrounding Uses:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CS, CH & RS-2	<i>Town Center &amp; New Neighborhood</i>	Growth	vacant & businesses
South	RS-1	<i>Existing Neighborhood</i>	<i>Growth/ Stability</i>	large lot residential
East	RS-3	<i>Existing Neighborhood</i>	Stability	Single-family residential
West	CS & RS-2	<i>Town Center</i>	<i>Growth</i>	construction offices, church

#### **F. 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 subject property is the subject of rezoning in TMAPC Case No. Z-7278 for rezoning to CH to be overlaid with PUD 820 for the development of a beverage warehouse and distribution facility.*

*The subject area is designated as “New Neighborhood” when most of the recent growth in the area has been more supportive of a land use designation of “Employment” based on the expansion of the commercial and industrial activities around the subject property.*

*The change in the land use designation to “Employment” from “New Neighborhood” will enhance the employment and development opportunities within the surrounding area and provide growth and economic development for the City of Tulsa.”*

*In addition, the applicant stated: “This property and case presents some planning challenges, particularly when planning, on a City wide basis like PLANiTULSA [aka Tulsa Comprehensive Plan]. At the time of PLANiTULSA, this area was slowing moving in a commercial direction. As to the property: it was a large tract of vacant land surrounded by a Super Wal-Mart, a construction company, an auto repair shop and residences. So based on the size of the property alone, it was not too difficult then to classify the property as an “area of growth”. The land use plan classification was trickier. Without a detailed study of the area, the classification of “new neighborhood” was perhaps then a good enough solution. Had the property and area been analyzed on a more granular basis, what growth there was would have been determined to be trending toward employment and commercial activity. In the big picture that is still what is going on in the area today. Since PLANiTULSA, a residence on CH zoned property adjoining the property on the north was sold by the Assessor for taxes and promptly razed by the new owner. This property is vacant today. Perhaps the property was not properly classified in PLANiTULSA: the property was planned as an “area of growth”, which was correct, so it was further classified as a “new neighborhood” instead of “existing neighborhood” or “employment”. It is difficult to imagine*



*the defining characteristics of a “new neighborhood” taking root on the property today. Also, the property was not and, the existing development pattern today is not an “existing neighborhood”. The major change in the area is the development opportunity presented by the warehouse project. The property is in an area of growth so, in the big picture, the plan is partially correct and this invites a more thorough analysis. It seems to me that PUD 820 is such a more thorough analysis and is the equivalent of a small area plan for the property and, as such, supports the proposed comprehensive plan amendment and rezoning.”*

#### **G. Staff Response:**

As it exists today, this area is a mix of uses - residential, commercial and light industrial. Some of the larger residential lots to the north of the subject site, designated *New Neighborhood* (between the subject site and the *Employment* designation which fronts on Admiral Place), are vacant and transitioning to other uses. In fact, the three lots (formerly residential) immediately north that front on S. 85<sup>th</sup> E. Ave. are zoned CH. These three lots appear to have been incorrectly designated as *New Neighborhood* and should be addressed in the next round of housekeeping amendments. On the northeast border of the subject site are large lot residential uses, zoned RS-2, also designated as *New Neighborhood*. And, further north is a small stable, viable residential neighborhood designated as *Existing Neighborhood*.

To the south and east of the subject site are established single-family residential neighborhoods with an *Existing Neighborhood* land use designation. The surrounding neighborhoods are the key consideration in this land use amendment request.

The existing mix of uses presents a challenge to the area in that there is a need to accommodate them without negatively impacting one another. Introducing a large new *Employment* area on the subject site could be an asset or a detriment to the adjacent existing neighborhoods, depending on allowed uses and development standards adopted as part of the development proposal. *Employment* land use designations are located near *Existing Neighborhoods* in other locations in the City of Tulsa and provide both positive and negative examples to this situation.

As part of a Comprehensive Plan amendment request, an applicant is asked to explain how conditions around the site changed to warrant the amendment request or, alternatively argue that the existing land use designation was incorrectly assigned to the site. The applicant makes the case that this large site was clearly an *Area of Growth*, but not studied closely enough at that time to determine if the *New Neighborhood* land use designation was the most appropriate for the site. However, it was

assigned this designation and the applicant states that this does not reflect the existing development pattern today.

Whether the existing *New Neighborhood* or proposed *Employment* land use designation is assigned to the subject site, the subject site needs to be developed as complementary to the existing area in a way that will strengthen the existing residential neighborhoods. Based on the development concept proposed by the applicant, with the recommended vehicular access, building placement, landscaping, buffering and trail system improvements, an *Employment* land use designation could be an appropriate designation for this site.

Therefore, the proposed land use designation of *Employment*, subject to the development standards recommended in the Planned Unit Development (PUD) would be appropriate, compatible and consistent with the surrounding area.

## II. STAFF RECOMMENDATION

- Staff recommends **approval** of the *Employment* land use designation as submitted by the applicant, subject to approval of the recommended development standards in the Planned Unit Development (PUD-820)

Ms. Miller described the subject area and uses in the subject area. Ms. Miller described the subject area as being diversified with many uses. Ms. Miller stated that the applicant feels that the subject area was not looked at in a granular scale and that is something to note in the Comprehensive Plan in general. Typically the process is not to try to match up the land use designation with the zoning, because a Comprehensive Plan is looking forward to the future. Planners look beyond the zoning for future land use designations. Ms. Miller stated that she does believe that a new neighborhood could go in the subject area, but she also believes that an employment designation, which is the request for the subject 26-acre tract, could be appropriate. This is a unique situation because the employment designation could be done in a harmful way or in a positive way. Given that Mr. Wilkerson worked with the applicant to ensure that it would be complementary and kind to the adjacent neighbors in order to be an asset rather than a detriment. The staff recommendation for approval is relying on the development standards in the PUD that are proposed.

### **TMAPC COMMENTS:**

Mr. Covey stated that as a Planning Commissioner it is somewhat frustrating for him that there was a process, PLANiTULSA, and it seems that the Comprehensive Plan is getting amended a lot lately, and he doesn't know if that is the norm or not, but for a plan that was just undertaken in 2010, one wouldn't think that there would be this many amendments. Mr. Covey stated that clearly this is a new neighborhood designation and the underlying zoning is OL. Mr.

Covey further stated that he is having a hard time with that and if the new designation is granted, then what happens to the other new neighborhood designations in between. Mr. Covey commented that no new neighborhood is ever going to go in there. Ms. Miller stated that this is the norm. Ms. Miller further stated that the Comprehensive Plan was adopted in 2010 and the first batch of housekeeping amendments was collected over the summer and brought in. Ms. Miller commented that it is important to have Comprehensive Plan amendments because it allows the Comprehensive Plan to be relevant and current. Once the confidence of the people, the Planning Commission and everyone involved is lost, that the plan is so outdated and so irrelevant and not reflected of the real world conditions, once that happens then it is disregarded and she has seen that happen before. Ms. Miller stated that it is important to bring forward Comprehensive Plan amendments and keep it relevant. Ms. Miller pointed out additional property within the subject area that should be brought in for an amendment. Mr. Covey stated that from a homeowner's standpoint, when the Comprehensive Plan was being revised they asked everyone what they would like to see and he can imagine that a lot of people would say that that is where they wanted a new neighborhood. Mr. Covey further stated that clearly a beverage distribution center is not a new neighborhood and so you have all the neighbors who attended the public meetings to tell the people what they wanted to see in their new Comprehensive Plan and it was adopted. Ms. Miller stated that she would fall back on the applicant's argument about a granular scale. Ms. Miller further stated that she is not sure every single part of town had people engaged and brought forward their ideas for the future of their neighborhood and she is not sure it happened specifically in the subject area. Ms. Miller stated that looking around the development that has happened in the subject area indicates that employment would be fine if it was complementary to the neighborhood. Ms. Miller commented that she does believe that the subject area could be redeveloped as a new neighborhood and it could be a viable future use, but it doesn't seem to be the direction it is going in at this time.

Mr. Liotta stated that he has had some of the same questions as Mr. Covey. Mr. Liotta further stated that what he understands is that the land use map seemed to have been rather generally drawn and as one visits specifics one identifies where the map wasn't really correct or the specifics on the ground don't really match what it was drawn as and that is how one gets into these situations where adjustments are necessary going back. Ms. Miller agreed with Mr. Liotta's statements. Ms. Miller reiterated how important it is to keep the Comprehensive Plan relevant and prevent it from becoming useless.

## **PUBLIC HEARINGS:**

Mr. Wilkerson stated that he will present the Zoning and PUD application that goes along with Item 19, CPA-31.

20. **Z-7282 – Eller & Detrich/Lou Reynolds**, Location: South and east of southeast corner of South Memorial Drive and East Admiral Place, requesting a rezoning from **OL/CS/CH to CH**, (CD-3) (Related to CPA-31 and PUD-820)

### **STAFF RECOMMENDATION:**

#### **DEVELOPMENT CONCEPT:**

The Applicant proposes a beverage warehouse and distribution center on approximately 26 acres of land located East of South Memorial Drive and East 4<sup>th</sup> Place South.

The Applicant has operated in the metropolitan area since 1959 and today operates four separate warehouse and distribution centers in the metropolitan area. The Applicant desires to consolidate its business operations into a central site in order to become more efficient and has selected this site for development as a beverage warehouse and distribution center.

The Project has good access to the expressway system and arterial streets. Access to the Project shall be along South 85<sup>th</sup> East Avenue.

In order to adequately buffer and screen the Project from the existing single-family developments to the north, east and south, the Project development standards provide for significant building setbacks exceeding 100 FT, an extensive landscape buffer between such residential areas and a Project screening fence. In order to maximize the effectiveness of the Project screening fence, such screening fence will be located off of the Property line and along the perimeter of the parking and drive areas.

Presently, the Project site is zoned CH – Commercial High Intensity District, CS – Commercial Shopping Center District and OL – Office Low Intensity District and will be rezoned to CH overlaid with PUD No. 820 in order to permit the use of the property for warehouse use and to establish development standards and conditions assuring a compatible relationship between the Project and the nearby residential uses.

### **DETAILED STAFF RECOMMENDATION:**

Z-7282 requesting CH zoning is not currently compatible with the New Neighborhood land use designation in the Tulsa Comprehensive Plan and;

Z-7282 requesting CH zoning is compatible with the Town Center land use designations and;

Z-7282 was recognized in the East Tulsa Neighborhood Implementation plan as a “Large Undeveloped or Underdeveloped” site that within context of a PUD could be developed as a successful infill project and;

The applicant has provided concurrent request with PUD 820 which provides appropriate development guidelines to integrate this project into the neighborhood and;

The zoning request for the entire site is not appropriate unless accompanied by a PUD and Tulsa Comprehensive Plan Amendment. If for any reason the PUD is abandoned the underlying rezoning request should be reconsidered and,

CH zoning as requested by Z-7282 is only consistent with the anticipated development pattern in the area when accompanied with the PUD therefore;

Staff recommends **APPROVAL** of Z-7282 to rezone property from OL/CS/CH to CH in conjunction with PUD 820.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The existing Land Use Map in the Tulsa comprehensive plan is not consistent with the proposed use. The applicant has submitted a concurrent request to amend the Land Use Map for employment uses. The project will conform to the employment designation if the land use designation is approved as requested. The employment designation is defined as defined below:*

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.

Land Use Vision:

*Land Use Plan map designation:* New Neighborhood/ Town Center

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single-family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

*Areas of Stability and Growth 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:* None

*Trail System Master Plan Considerations:* An important link for the 4<sup>th</sup> Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4<sup>th</sup> along with the 60 foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

An infill project like the one proposed in PUD 820 is an asset to the community when integrated into the existing development pattern and expected transportation plan. With that consideration staff recommends inclusion of the trail link as part of this project. The trail improvement is part of the consideration for amending the Tulsa Comprehensive Plan land use map and recommending approval for the PUD.

Within the PUD, the development team has integrated many items discussed early in the project discussion including landscape treatment, relevant screening, building placement, and many other items related to a high quality infill development. Many of those components will help successfully integrate this project into the neighborhood. Integration of the trail into the neighborhood is a good example of how this project will strengthen that concept and provide a stronger link to the Mingo Trail system to the east and the existing on-street trail system on 4<sup>th</sup> Street west of this site.

Infrastructure improvements of all kinds improve neighborhood lifestyle and provide benefits to the end user.

Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

This site is included in the East Neighborhood Implementation Plan and is partially identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *PUD 820 is vacant land. Aerial photographs show historic storage of construction materials and the site has been graded but there are no known environmental concerns that will affect site development.*

Environmental Considerations: None that will significantly affect site development. The PUD has provided significant landscape edges and screening that recognize the slopes and drainage system. In many

instances those drainage components have provided additional screening and buffering for the adjacent residential properties.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 <sup>th</sup> Place	None	50 feet	The east 2/3rds of the frontage is 2-lane asphalt, the west portion is not paved.
South 89 <sup>th</sup> East Avenue	None	50 feet	2
South 85 <sup>th</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single-family residential subdivision, zoned RS-3; on the north by vacant property, miscellaneous business and industry, zoned RS-2 and CH; on the south by single-family residential property, zoned RS-1; and on the west by property that has been the historic headquarters for a construction company and a church, zoned CS and RS-2.

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

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**Z-5571 June 1981:** The applicant made a request for rezoning a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4<sup>th</sup> Pl. and S. 89<sup>th</sup> E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC recommended approval of RS-2 on 21.8 acres and denial of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

**BOA-19314 April 23, 2002:** The Board of Adjustment approved a ***Special Exception*** to permit existing construction company uses in CS district; a ***Special Exception*** to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a ***Variance*** to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the



berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

***Surrounding Property:***

**BOA-17132 August 22, 1995:** The Board of Adjustment approved a **Special Exception** to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30' X 50' existing building with a 20' X 30' addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' X 50' building, on property located north of northeast corner of S. Memorial Dr. and E. 4<sup>th</sup> Pl. and abutting west of subject property.

**Z-CASE Ordinance #8979 July 1960:** All concurred in approval of a request for rezoning a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85<sup>th</sup> E. Ave. and E. Admiral Pl.

21. **PUD-820 - Eller & Detrich/Lou Reynolds,** Location: South and east of southeast corner of South Memorial Drive and East Admiral Place, requesting a PUD for a beverage warehouse and distribution center, **OL/CS/CH to CH/PUD**, (CD-3) (Related to CPA-31 and Z-7282)

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

The Applicant proposes a beverage warehouse and distribution center on approximately 26 acres of land located East of South Memorial Drive and East 4<sup>th</sup> Place South. The Conceptual Site Plan for the Project is attached hereto as Exhibit "A". An Aerial Photograph of the Project site showing adjacent and nearby land uses is attached hereto as Exhibit "B".

The Applicant has operated in the metropolitan area since 1959 and today operates four separate warehouse and distribution centers in the metropolitan area. The Applicant desires to consolidate its business operations into a central site in order to become more efficient and has selected this site for development as a beverage warehouse and distribution center.

The Project has good access to the expressway system and arterial streets. Access to the Project shall be along South 85<sup>th</sup> East Avenue.

In order to adequately buffer and screen the Project from the existing single-family developments to the north, east and south, the Project development standards provide for significant building setbacks exceeding 100 FT, an extensive landscape buffer between such residential areas and a Project screening fence. In order to maximize the effectiveness of the Project screening fence, such screening fence will be located off of the Property line and along the perimeter of the parking and drive areas.

Presently, the Project site is zoned CH – Commercial High Intensity District, CS – Commercial Shopping Center District and OL – Office Low Intensity District and will be rezoned to CH overlaid with PUD No. 820 in order to permit the use of the property for warehouse use and to establish development standards and conditions assuring a compatible relationship between the Project and the nearby residential uses. The existing zoning is shown on Exhibit “C” attached hereto.

**PUD-820 DEVELOPMENT STANDARDS:**

LAND AREA (GROSS): 25.80 Acres (1,123,621 SF)

LAND AREA (NET): 25.30 Acres (1,102,031 SF)

EXISTING ZONING: OL, CS, CH

PROPOSED ZONING: PUD / CH

**PERMITTED USES:**

Uses permitted in Use Unit 11, Offices, Studios and Support Services, Use Unit 17, Automotive and Allied Activities; and Use Unit 23, Warehousing and Wholesaling, and Uses Customarily Accessory to the Permitted Principle Uses.

MAXIMUM BUILDING FLOOR AREA: 280,000 SF

MAXIMUM BUILDING HEIGHT: 2-stories / 40 Feet, with building sidewalls no greater than 28 feet in height as measured from finished grade.

**MINIMUM BUILDING SETBACKS:**

From northerly boundary limits of PUD:	90 feet*
From southerly boundary limits of PUD:	100 feet
From easterly boundary limits of PUD:	225 feet
From westerly boundary limits of PUD:	25 feet

\*Provided the minimum building setback for the northerly boundary line of the PUD within the west 700 feet shall be 25 feet.

MINIMUM OPEN SPACE:

15% of net lot area

SIGNAGE:

Business signs may be permitted upon the site as follows:

1. One (1) ground sign shall be allowed within the Project, with a maximum height of 25 feet, and a maximum display surface area 150 square feet. Such ground sign shall be located no closer than 125 feet from the north boundary, nor closer than 400 feet from the south boundary.
2. Wall signs shall be limited to one (1) square foot per lineal foot of building wall upon which is it affixed. Directional or instructional wall signs may be placed upon any of the building walls; however, such signs shall be limited to no greater than 10 square feet in size, and shall be located a minimum distance of 75 FT from the north boundary of the site, and a minimum distance of 175 FT from the east and south boundaries.

LIGHTING:

Light standards, whether located upon freestanding light poles or building-mounted, shall not exceed 25 feet in height. All exterior lighting fixtures shall be hooded and direct light downward and away from properties to the north, south and east. No light standards shall be permitted within 75 feet of the north boundary, nor within 100 feet of the south and east boundaries.

SITE SCREENING AND LANDSCAPING:

To create a more effective buffer, a solid screening fence a minimum of 6 8 FT in height will be located off of the boundary of the Project, close to the drive areas and parking areas and between such screening fence and the Project boundary. Landscaping shall be installed as shown on the Illustrative Site Perimeter Landscaping & Screening Plan attached hereto as Exhibit "D". Such landscaping shall provide a landscape buffer zone for the purpose of enhancing the visual screening and buffering the Project. The landscape buffer shall be planted with a variety of evergreen and deciduous trees that are suitable for the area. At the time of planting, all trees within the landscape buffer zone shall be a minimum height of eight (8) feet and have a minimum caliper of two (2) inches. These trees are in addition to and separate from required parking lot area and or street yard trees required for the Project by the Tulsa Zoning Code. Finally, the landscaping plan for the Project will include no fewer trees in number

or density than is shown on the Conceptual Landscape and Screening Plan. An Illustrative Cross-Sectional View is attached hereto as Exhibit "E" showing the effectiveness of the proposed screening and landscape buffer.

Only one house faces north along 4<sup>th</sup> street adjacent to this project. Particular attention to detail north of that home may require additional landscape and screening. During the detailed site plan and landscape plan process the existing tree buffer will be protected from injury during Significant additional evergreen, deciduous trees and shrubs will be planted to enhance the existing tree line at that location. That concept has not been completely illustrated on the landscape or screening plan. The details will be established during the site plan process.

#### VEHICULAR ACCESS:

All vehicular access shall be limited to use of S. 85<sup>th</sup> E. Ave., with the exception of a locked emergency-only ingress/egress gate along the west boundary of the Project site. The Site Access and Circulation Plan is attached hereto as Exhibit "F". Continue to work with the Fire Marshal to identify appropriate emergency access.

#### PEDESTRIAN / MULTIPURPOSE ACCESS:

Sidewalks will meet the subdivision regulations on the perimeter of the property and provide appropriate interior pedestrian access.

A 10' wide multipurpose trail will be constructed from the intersection of South Memorial at 4<sup>th</sup> within the existing street 4<sup>th</sup> Street right of way to the intersection.

#### OFF-STREET PARKING:

As permitted by the applicable Use Unit of the Tulsa Zoning Code.

#### TOPOGRAPHY AND STORM WATER DRAINAGE:

The approximate 26 acre (net) Project site generally slopes is a west-to-east, with native trees and vegetative cover that is primarily limited to the north, south and east boundaries of the Project site where natural drainage swales exist. The highest elevation of the Project site is approximately 765 feet above sea level near the west boundary, and the lowest elevation is approximately 730 feet near the southeast corner of the Project site where storm sewer drainage infrastructure has been installed to carry stormwater flow diagonally under S. 89<sup>th</sup> Ave. E. to a City of Tulsa 78" storm sewer line located slightly southeast of the intersection of S. 89<sup>th</sup> Ave. E. and E. 4<sup>th</sup> Pl. S.

As reflected upon the Site Topography and Drainage Concept Plan, attached hereto as Exhibit "G", a stormwater detention pond or ponds are planned for construction near the south and east boundaries of the Project site. Additionally, to support proper stormwater drainage flow within the natural drainage swales near the north, south and east boundaries of the Project site, some of the existing vegetative growth and debris within the flow limits of such drainage channels will need to be removed or cleared, which activity shall be coordinated with City of Tulsa stormwater management staff.

**UTILITIES:**

Presently, all necessary utilities to serve the Project are either available on-site or within close proximity to it, as shown upon the Existing and Proposed Utilities Plan attached hereto as Exhibit "H". Required utility line extensions and improvements shall be closely coordinated with City of Tulsa staff and franchise utility providers during the subdivision platting efforts of the property following necessary zoning approvals.

**PLATTING REQUIREMENT:**

It is anticipated that the Project will be included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa City Council, and duly filed of record in the Tulsa County Clerk's office.

**EXPECTED SCHEDULE OF DEVELOPMENT:**

Development is expected to begin in the Spring 2015 after final approval of the Planned Unit Development, platting of the property and Detail Site Plan approval. The Applicant intends to commence initial site grading following zoning and approval of the Planned Unit Development and preliminary plat approval and the issuance of an Earth Change Permit therefor.

**DETAILED PLANS REVIEW:**

No building permit shall be issued for a lot within the Project until a Detail Site Plan and a Detail Landscape Plan has been submitted to and approved for such lot by the Tulsa Metropolitan Area Planning Commission.

**DETAILED STAFF RECOMMENDATION:**

The site is not currently compatible with the New Neighborhood or Town Center land use designations in the Tulsa Comprehensive Plan (aka PLANiTULSA) however, this site was recognized in the East Tulsa Neighborhood Implementation plan as a "Large Undeveloped or

Underdeveloped” site that within context of a PUD could be developed as a successful infill project and;

The PUD has provided appropriate development guidelines to integrate this project into the neighborhood and;

The applicant has submitted a concurrent request to change the land use designation to Employment and;

The PUD is consistent with the anticipated development pattern in the area and;

PUD-820 is consistent with the Planned Unit Development chapter of the Tulsa Zoning Code therefore;

Staff recommends **APPROVAL** of PUD-820 as outlined in Section I above.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The existing Land Use Map in the Tulsa comprehensive plan is not consistent with the proposed use. The applicant has submitted a concurrent request to amend the Land Use Map for employment uses. The project will conform to the employment designation if the land use designation is approved as requested. The employment designation is defined as defined below:*

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.

## Land Use Vision:

### *Land Use Plan map designation: New Neighborhood/ Town Center*

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single-family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

### *Areas of Stability and Growth 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: None*

*Trail System Master Plan Considerations:* An important link for the 4<sup>th</sup> Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4<sup>th</sup> along with the 60

foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

An infill project like the one proposed in PUD 820 is an asset to the community when integrated into the existing development pattern and expected transportation plan. With that consideration staff recommends inclusion of the trail link as part of this project. The trail improvement is part of the consideration for amending the Tulsa Comprehensive Plan land use map and recommending approval for the PUD.

Within the PUD, the development team has integrated many items discussed early in the project discussion including landscape treatment, relevant screening, building placement, and many other items related to a high quality infill development. Many of those components will help successfully integrate this project into the neighborhood. Integration of the trail into the neighborhood is a good example of how this project will strengthen that concept and provide a stronger link to the Mingo Trail system to the east and the existing on-street trail system on 4<sup>th</sup> Street west of this site.

Infrastructure improvements of all kinds improve neighborhood lifestyle and provide benefits to the end user.

Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

This site is included in the East Neighborhood Implementation Plan and is partially identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *PUD 820 is vacant land. Aerial photographs show historic storage of construction materials and the site has been graded but there are no known environmental concerns that will affect site development.*



Environmental Considerations: None that will significantly affect site development. The PUD has provided significant landscape edges and screening that recognize the slopes and drainage system. In many instances those drainage components have provided additional screening and buffering for the adjacent residential properties.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 <sup>th</sup> Place	None	50 feet	The east 2/3rds of the frontage is 2-lane asphalt, the west portion is not paved.
South 89 <sup>th</sup> East Avenue	None	50 feet	2
South 85 <sup>th</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single-family residential subdivision, zoned RS-3; on the north by vacant property, miscellaneous business and industry, zoned RS-2 and CH; on the south by single-family residential property, zoned RS-1; and on the west by property that has been the historic headquarters for a construction company and a church, zoned CS and RS-2.

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

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**Z-5571 June 1981:** The applicant made a request for rezoning a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4<sup>th</sup> Pl. and S. 89<sup>th</sup> E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC recommended approval of RS-2 on 21.8 acres and denial of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

**BOA-19314 April 23, 2002:** The Board of Adjustment approved a ***Special Exception*** to permit existing construction company uses in CS district; a ***Special Exception*** to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a ***Variance*** to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within

300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

**Surrounding Property:**

**BOA-17132 August 22, 1995:** The Board of Adjustment approved a **Special Exception** to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30' X 50' existing building with a 20' X 30' addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' X 50' building, on property located north of northeast corner of S. Memorial Dr. and E. 4<sup>th</sup> Pl. and abutting west of subject property.

**Z-CASE Ordinance #8979 July 1960:** All concurred in approval of a request for rezoning a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85<sup>th</sup> E. Ave. and E. Admiral Pl.

Mr. Wilkerson presented the zoning application and the PUD application with the development standards and pointed out the key elements that staff believes would make this proposal compatible with the neighborhood and provide some stability to future development in the subject area. Mr. Wilkerson explained the need for the trail system in the subject area.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, representing Distribution Partners, cited the surrounding subject area and its uses. Mr. Reynolds explained that his client is asking for three uses on the 25 acre parcel, office, automotive, and warehousing and wholesaling. Mr. Reynolds stated that this proposal was patterned off of how the Tulsa Hills Mall was done on 71<sup>st</sup> and Highway 75, which backs up to neighborhoods. Mr. Reynolds explained that the screening wall is on the edge of paving and driving lines. Mr. Reynolds stated that the screening fence was originally proposed to be a six-foot screening fence and he is now proposing it to be an eight-foot screening fence to screen the line of sight of the trucks. There is 90 feet of setback from the property line to the pavement and 190 feet to the building. The nearest house on the south side is 350 to 360 feet to the building and the nearest house to the north is 340 feet. One of

the concerns that was brought up at the neighborhood meeting was stormwater issues. Mr. Reynolds explained that every piece of impervious property that has stormwater on it will be picked up and put in the pipe. The stormwater that falls on the roof will be picked up in the gutter and the downspouts are tied to underground piping and piped to the detention pond. The drive areas are piped into the detention pond as well and there is no excess water that will come off of the subject property and affect the neighbors' property. The natural flow of the subject property is from the southwest to the northeast, but all of the water from the impervious surfaces will be drained into a pipe. Mr. Reynolds stated that none of the lighting on the subject property will be any higher than 25 feet and none will be within 75 feet of the north boundary of the subject property or 100 feet within the south or east boundary of the subject property. Mr. Reynolds submitted new Exhibits D & E (Meeting Exhibit B-1). Mr. Reynolds indicated that the subject property will be over landscaped and exceeds the Zoning Code requirements. There will be no access along 4<sup>th</sup> Place except where the Fire Department requires an emergency access that will be crash-gated and no right to the public for use. Mr. Reynolds indicated that traffic will go along 85<sup>th</sup> Street, which he believes was improved and paid for by Wal-Mart and it is in good condition and wide. Mr. Reynolds further indicated that the subject property has easement rights to go out to Memorial and it would be used rarely.

Mr. Reynolds stated that one of the things the Comprehensive Plan states is that a PUD can be a small area plan and that has been applied on the subject property. Mr. Reynolds explained that this tool gives staff some flexibility to look at the proposal and weigh the big picture. Mr. Reynolds stated that the neighbors indicated at the neighborhood meeting that they liked the fact that there was no connectivity and bringing traffic into their neighborhood. Mr. Reynolds concluded that he is in agreement with staff on every point except the requirement to build the trail. Mr. Reynolds stated that none of the neighbors that he spoke with at the meeting wanted the trail and they like their privacy. Mr. Reynolds requested that the Planning Commission approve the Comprehensive Plan amendment, the rezoning request and the PUD with the change of an eight-foot screening fence instead of a six-foot screening fence and delete the trail requirement.

**TMAPC COMMENTS:**

Mr. Stirling asked Mr. Reynolds if he is requesting the trail to be removed. Mr. Reynolds stated that the trail system is almost completely off-site of the subject project and it has no logical connections to the project. Mr. Reynolds further stated that there is no need to upscale a waterline or sewer line that serves the subject project and it opens up the neighborhood to some elements that the neighbors did not like and do not want.

Mr. Covey asked Mr. Reynolds how many meetings he held with the neighbors. In response, Mr. Reynolds stated that he had one meeting and approximately 12 phone calls. Mr. Reynolds further stated that he met with eight people who requested a meeting with him. Mr. Covey asked Mr. Reynolds what the hours of operation would be for the subject proposal. Mr. Reynolds stated that the business can operate 24 hours, seven days a week, but it won't always operate those hours. Mr. Reynolds stated that there are busier seasons, such as holidays, and that is when it will be 24 hours, seven days a week. Mr. Reynolds indicated that the hours could also be 24 hours, five days a week or six days a week. Mr. Reynolds stated that the business stays open until they get their trucks loaded for the following day's deliveries, then they close. There would be six to seven semi-trucks at the most on any day. They have jobber trucks that make all of their deliveries. Mr. Reynolds demonstrated where the dock door is located and explained that the jobber trucks come into the garage and then the doors close. All of the loading is done in closed doors because it is an air-conditioned/humidified warehouse that has to be closed to keep the product fresh. There will be no activity going on outside. Mr. Reynolds indicated that on cold nights the loaded trucks will run their engines and that is the only outside activity that would be going on.

In response to Ms. Millikin, Mr. Reynolds stated that he doesn't know when the trash pickup would be, but he would be happy to set those hours to no earlier than 7:00 a.m. and no later than 7:00 p.m. Mr. Reynolds indicated that trucks arriving with supplies typically arrive during daylight business hours.

#### **INTERESTED PARTIES:**

**Don and Sue Culbert**, 3505 Crestview Lane, Catoosa, OK 74015 (submitted a signed petition (Exhibit B-2) (owns several homes in the subject area); **David Culbert**, 8817 E 2<sup>nd</sup> St, 74112; **Sharon O'Banien**, 724 S 85<sup>th</sup> E, 74112; **Suzanne Kiddy**, 442 S 89<sup>th</sup> E, 74112; **John Bode**, 444 S 89<sup>th</sup> E Ave, 74112

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

The OL zoning was in place before the custom homes and tract homes were built in the subject area; expressed concerns with higher zoning because homeowners purchased their homes expecting the subject area to remain OL; the OL zoning was not a threat to neighbors living or home; most homeowners have been in the subject area more than 30 years; expressed concerns about noise, truck traffic, wood screening fence would allow headlights to shine into homes; lived in the subject area for many years and invested into their homes; expressed concerns with stormwater runoff; fear that trucks will be making deliveries to subject

property in the evening hours; concerned about truck engine's idling at night; opposed to the proposal; a one story office would not destroy the neighborhood, but CH zoning would destroy the neighborhood; the neighborhood already has noise from surrounding highways, busy streets and airport, do not want additional noise from the proposed plant; the zoning change that the neighborhood fought in 1981 was to prevent a mobile home park; concerns of property values.

**Applicant's Rebuttal:**

Mr. Reynolds stated that he checked with Mr. Jarbro and he confirmed that on average it is six to seven trucks per day and the absolute peak number of trucks is twelve. Mr. Reynolds further stated that the subject property is set back a football field length from anyone's home in any direction. The neighbors will not be able to physically see the truck and the building will be a masonry building and it will absorb all of the road noise from 244 and Admiral. Anyone on the south or north side of the subject building will notice it being substantially quieter due to the concrete building that will be built. Mr. Reynolds stated that he can't do anything about the planes flying overhead, but it will knock the noise from I-44. The screening and landscaping exceeds the requirements. Stormwater issues keep coming up and there will be a detention pond and all of the stormwater will be picked up, detained and then released. It will not create or accelerate anyone's flooding issues. The lighting will be at 25 feet in height and a photometric plan will have to be submitted to show that no light is going into anyone's property line.

**TMAPC COMMENTS:**

Mr. Fretz asked if the stormwater will be picked up to the storm sewer or to the street. Mr. Reynolds stated that it will be released into a storm sewer.

Mr. Stirling asked if there was any consideration of putting up a concrete fence versus a wooden fence. Mr. Reynolds stated that there hasn't been any discussion about that at the meeting, it was more important to the neighbors to have an eight-foot fence. Mr. Reynolds stated that there is 90 feet to the property line and it is about 250 feet to the nearest house. Mr. Reynolds pointed out that due to the topography the subject property is about nine feet above the street level. Mr. Reynolds explained that should any lighting get through the cracks of the wooden fence it would be caught up by the landscaping.

Ms. Millikin asked Mr. Reynolds if his client would consider building a masonry screening fence rather than a wood screening fence. Mr. Reynolds asked his client. Mr. Jarbro stated that at this point he couldn't build a masonry screening fence due to budgets.

Mr. Carnes stated that he remembers the mobile home park being denied and he himself tried to purchase the property to build an apartment complex and they didn't want rental property as neighbors so he didn't pursue it. Mr. Carnes stated that with the landscaping, setbacks and the PUD will be an asset to the neighborhood rather than a detriment and he will be supporting it.

Ms. VanValkenburgh stated that the staff report may need to be amended due to the new access point. Mr. Wilkerson stated that the only he sees different is the emergency access. Ms. VanValkenburgh stated that page 21.4 of the agenda packet. Mr. Wilkerson stated that this is the first time seeing the changes and he isn't sure this is the best place for the emergency access, but he is sure that after reviewing it at detail site plan it can be worked out. Mr. Covey stated that the applicant would like to change the screening fence from six feet to eight feet in height and not be required to put in the trail. Mr. Wilkerson stated that he is in agreement with the eight-foot screening fence, but he would like to discuss the trail. Mr. Wilkerson stated that he worked extensively with the Transportation Division of INCOG and the current Trail Master Plan shows a trail system by McClure Park and meander through the neighborhood and ultimately tie into the Mingo Trail along Mingo Creek on the east side of the neighborhood. The original Master Plan shows an on-street trail system and the preference has always been the proposed alignment; however, these two blocks do not have pavement and staff is recommending construction of an eight-foot wide multipurpose trail to connect the 4<sup>th</sup> Street trail system all the way over to the Mingo Creek Trail system. Staff feels very strongly that the trail system needs to be provided as part of the proposed project. Mr. Wilkerson stated that the proposed trail would provide safer access to the park located to the south and the trail system to the east.

Mr. Midget asked if staff if they are proposing that the trail go from the east all the way to Memorial? Mr. Wilkerson indicated on the map where the trail extension would be located. Mr. Midget asked if part of that proposal is off-site of the subject proposal. Mr. Wilkerson stated that it would be in the street right-of-way, which is an existing 60-foot of right-of-way that has never been developed for a street. Mr. Wilkerson explained that half of it is from the very west end of the PUD to Memorial is beyond the limits the PUD.

Mr. Reynolds requested to be recognized. Mr. Covey recognized Mr. Reynolds

Mr. Reynolds explained that Exhibit D that he submitted today is replacements for early submittals D-1 and D-2 in the packets. The new

exhibit shows the driveway for the Fire Department emergency access. Mr. Reynolds stated that it also shows the eight-foot screening fence.

Mr. Liotta stated that one of the questions asked was what he would do if he was living in the subject neighborhood. Mr. Liotta further stated that he looks at every question that is presented to the TMAPC with that in mind and put himself in that position. In looking at the subject property, if he were in that neighborhood, he would love for it to stay vacant but that isn't practical and not fair to the landowner. Mr. Liotta stated that he didn't buy that view and the next idea would be to put a neighborhood in there, but the facts on the ground do not support a neighborhood. Mr. Liotta commented that no one is going to build a neighborhood inside an industrial area. The land couldn't be commercial because there isn't a way to get enough traffic to it, so it could be light industrial, office or warehouse and of all of these options the one with the least impact to the neighborhood would be a warehouse. The owner comes with a lot of consideration, stormwater, sight lines to the neighborhood, the noise continuation, fire safety, limiting the traffic impact, etc. The owner has come up with a plan to minimize all of these issues. Mr. Liotta concluded that with all of this in mind it looks like this is the best eventuality for the subject property compared to a lot of different things that could go in there and he is supporting today's application.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to recommend **APPROVAL** of CPA-31 amendment to the Comprehensive Plan for an employment land use designation per staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to recommend **APPROVAL** of CH zoning for Z-7282 per staff recommendation, and recommend **APPROVAL** of PUD-820 per staff recommendation, subject to an eight-foot screening fence, subject to the trail being built, and emergency access only on 4<sup>th</sup> Street.

**Legal Description for Z-7282/PUD-820:**

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), 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, TO-WIT: BEGINNING AT A POINT 627.40 FEET EAST AND 30 FEET NORTH OF THE SOUTHWEST

CORNER OF THE NW/4 OF SAID SECTION 1; THENCE NORTH 0°19'19" WEST A DISTANCE OF 456.00 FEET; THENCE NORTH 89°38'42" EAST A DISTANCE OF 699.21 FEET; THENCE NORTH 0°14'29" WEST A DISTANCE OF 173.03 FEET; THENCE NORTH 89°42'18" EAST A DISTANCE OF 1295 FEET TO THE WEST BOUNDARY OF 89TH EAST AVENUE; THENCE SOUTH 0°19'41" WEST A DISTANCE OF 630.49 FEET ALONG THE WEST BOUNDARY OF 89TH EAST AVENUE; THENCE SOUTH 89°46'37" WEST A DISTANCE OF 1987.06 FEET ALONG THE NORTH BOUNDARY OF EAST 4TH PLACE TO THE POINT OF BEGINNING., City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Mr. Fretz out at 3:18 p.m.

22. **Z-7248** - Plat Waiver, Location: 13742 East Pine, (CD-3)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning from AG to IL. A lot split was also approved.

***Staff provides the following information from TAC for their October 2, 2014 meeting:***

**ZONING:** TMAPC Staff: The property will be used to construct a metal building to store concrete construction equipment. Adjacent properties are unplatted. The building is only to be used for storage next to an existing dwelling. If use intensity changes property will be platted.

**STREETS:** Fifty feet of right-of-way required from center line of Pine Street. Thirty feet of right-of-way required at west property line for collector per Major Street and Highway Plan. Sidewalks required per subdivision regulations.

**SEWER:** Perimeter utility easements should be required. If there is no sewer available in the area for service, then we will need an easement restricting the use of the lateral field.

**WATER:** The extension of a looped water main line could be a requirement because the existing 24 inch is not a tap able line size for water services. Approval required from Engineering Services and Water Distribution at 23<sup>rd</sup> and Jackson.

**STORMWATER:** No comment.



**FIRE:** No comment.

**UTILITIES:** No comment.

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

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		X
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		
b) Sanitary Sewer		
i. Is a main line extension required?	X	
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		
7. Floodplain		X
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		
a) If yes, was plat recorded for the original P.U.D.		

- |   |   |
|---|---|
| 10. Is this a Major Amendment to a P.U.D.?<br>a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?        | X |
| 11. Are mutual access easements needed to assure adequate access to the site?   |   |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Covey, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Fretz, Reeds, Walker "absent") to **APPROVE** the plat waiver for Z-7248 per staff recommendation.

\* \* \* \* \*

Mr. Fretz in at 3:20 p.m.

23. **PUD-815 – Costco Wholesale/Michael Okuma**, Location: Northwest corner of East 103<sup>rd</sup> Street and South Memorial Drive, requesting a Landscape Plan for a new retail building and gas station within the PUD, **CS/PUD-815**, (CD-8)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detailed landscape plan approval on an 18.18 Acre site included in Planned Unit Development for a new retail building including one, one story building and one gas station. Normally the PUD landscape plan reviewed at staff level however the Planning Commission requested a public hearing to review the landscape plan on this particular site.

The general concept for the landscape plan provides significant additional landscape and site screening standards across the entire parking and provides significant landscaping north and west of the building to provide a buffer between the retail and residential areas.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening exceed the minimum standards defined by the Planned Unit Development conceptual plan and significantly exceed the minimum standards of the Landscape Chapter of the Tulsa Zoning Code.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the detailed landscape plan as it relates to the approved **PUD-815**. The landscape plan meets or exceeds the minimum requirements of the Planned Unit Development concept and;

Staff finds that the landscape plan exceeds minimum standards of the Landscape chapter of the Tulsa Zoning Code therefore;

Staff recommends **APPROVAL** of the detailed landscape plan for the proposed new retail building and fueling station.

**TMAPC COMMENTS:**

Ms. Millikin stated that she remembers that one of the neighbors requested to take part in the landscaping decisions and though there is no right to do that Mr. Okuma indicated that he would be willing to meet with him to discuss some of the landscaping choices and she would like to know if that had been done. Mr. Wilkerson stated that he knows that Costco continues to be in conversation with the neighborhood to the north.

In response to Ms. Millikin, Mr. Wilkerson stated that there is a masonry wall on the top of a retaining wall that is along the entire property line and behind that masonry wall, up high, there are trees and shrubbery at a high elevation and then it drops down with significant landscaping there, an existing screening fence that was constructed by the neighbors and that is what was approved and is in the staff recommendation. Mr. Wilkerson stated that the submitted landscape plan matches the PUD approval. Mr. Wilkerson indicated that there has been some discussion about the additional wall.

**Caroline Shaw**, 200 McArthur Boulevard, Irvine, California, stated that she is in agreement with staff recommendation on behalf of Mr. Okuma.

Ms. Millikin asked Ms. Shaw if she agrees with Mr. Wilkerson's statement regarding communications with the neighborhood to the north. Ms. Shaw answered affirmatively.

Mr. Shivel commented that he has noticed in his travels that Costco is a good neighbor and bends over backwards to be a good neighbor. Ms. Shaw agreed with Mr. Shivel's comments.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Dix, Reeds, Walker "absent") to **APPROVE** the detailed landscape plan for PUD-818 per staff recommendation.

\* \* \* \* \*

Mr. Covey stated that Items 24 and 25 will be heard together.

24. **Z-7270 – 120 Development Group, LLC/Will Wilkins**, Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, Requesting rezoning from **RS-4/HP to RM-2/HP**, (CD-1) (Continued from 6/18/14 and 10/1/14) (Related to PUD-818)

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

This is a proposed re-development project of multi-family residential units on a 0.49 acre property. The property is located on the NW corner of W. Haskell Pl. and N. Cheyenne Ave. within the historic Brady Heights neighborhood. The property was originally a part of the Catholic Charities massing of property that also included the church located to the West and 3 single-family residential units that extended north from the church site. The subject property was purchased by W3 Development, LLC in December 2011.

The developers are very much in tune with the current state of multifamily residential and commercial re-development of downtown and in particular, the nearby Brady Arts District. In addition, the owner's representative is a resident of the Brady Heights neighborhood, and has developed three of the last four new constructions, single-family homes to be located within this neighborhood. The last home developed for sale was in 2008, selling in 2009. The owner's representative is also aware of the growing interest in this neighborhood as an alternative to offerings within the nearby CBD district of downtown proper. The developers see this project as an

opportunity to entice and transition current downtown apartment dwellers into this neighborhood and later into its existing single family dwellings. In addition to the transitioning aspect of this project, the developer seeks to embrace the vision of the Tulsa Comprehensive Plan by encouraging greater density and diversity within the downtown core's surrounding neighborhoods.

The owner's representative has held two meetings with the Brady Heights Neighborhood Association. The first was held with the Board of Directors on April 19th with little to no comment at that time. The second meeting was held with the general membership of the neighborhood on May 17<sup>th</sup>. Those in attendance comprised less than half the ownership interests in the neighborhood. Main topics of concern were the multifamily aspect and its relation to potential Section 8/subsidized housing and general design with many seeking input in the design aspect of the project. This project WILL NOT utilize subsidized housing programs. To date, only two residents have reached out to the developers beyond those meetings.

The developers have pledged to make every effort in the design of the project to maintain the architectural character of this historic area. The developers have already met with Tulsa Preservation Commission staff to review the conceptual design and incorporate suggested changes. The project will be submitted to the Tulsa Preservation Commission for their review and approval. Design of the project and its structures will meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Commercial Structures.

The property owner intends to develop a multifamily project with (16) one-bedroom units contained within two separate structures. The largest structure facing Cheyenne would encompass (12) apartment units within a three-story structure. The second structure would encompass (4) one-bedroom units within a two-story structure. The purpose of the varying structure heights is to maintain similar roof lines given the rising topography of the subject property rising from east to west. Off-site parking will be located behind the structures to accommodate the required parking per code with access off of Haskell and off of the alley located to the West of the subject parcel. Landscaping and screening will be addressed for access points off of Haskell and to hide any mechanical equipment from view down Haskell and the alley.

**DETAILED STAFF RECOMMENDATION:**

Z-7270 in conjunction with PUD-818 is consistent with the Existing Neighborhood land use designation of the Tulsa Comprehensive Plan. The general concept for a small scale multifamily residential project does not preserve the existing single-family nature of the neighborhoods built after World War II but this neighborhood was originally developed when a

mix of commercial, offices, multifamily, churches and other uses were part of the fabric of a neighborhood and.

Z-7270 in conjunction with PUD-818 is compatible with the anticipated development of the Brady Heights Historic area; however, it should be noted that the general mixed use character of the Brady Heights neighborhood should not evolve into a collection of multifamily residential properties. This part of Brady Heights includes a disproportionate amount of vacant lots. The general trend for the area should be single-family residential development therefore;

Staff recommends **APPROVAL** of Z-7270 as outlined in Section I above.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: Z-7270 in conjunction with PUD-818 is located inside the Brady Heights Historic district. The building placement and use is defined in the PUD. The architectural style of the building is reviewed and recommended for approval by the Preservation Commission. The Brady Height neighborhood was constructed in the 1920's and included a mix of single-family residential lots, small scale multifamily, small mixed use commercial buildings and church uses.*

### Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the Zoning Code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

*Areas of Stability and Growth designation:* Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of

Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: This site is at the north western corner of the Downtown Master Plan which recognizes the importance of Brady Heights as a historic neighborhood and potential for high quality residential redevelopment opportunities. The streetscape quality for pedestrian and vehicular uses is noted as one of the primary goals for the Downtown Master Plan.

Historic Preservation Overlay: Brady Heights

**Southeast Corner North Denver at West Latimer Intersection:**

The image below illustrates the mix of small scale apartments, single-family residential and small commercial mixed use buildings in the Brady Heights Neighborhood.

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is part of several vacant lots on the west side of North Cheyenne and north of West Haskell. The only significant vegetation is on the perimeter of the site and the terrain is sloping from west to east.*

Environmental Considerations: There are no significant physical constraints affecting the development of this property. Some terrain from the high point on the west adjacent to the alley to a low point on Cheyenne on the east boundary will require careful attention to detail for the site to meet ADA guidelines.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Cheyenne Avenue	None	50 feet	2
East Haskell Place	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by single-family residential, zoned RS-4; on the north by vacant lot, zoned RS-4; on the south by a vacant lot, zoned RS-4; and on the west by a church building, zoned RS-4.

**SECTION III: Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 17817 dated November 5, 1992, established zoning for the subject property.

***Subject Property:***

**Z-6723 December 1999:** The homeowners of Brady Heights requested rezoning for many of the properties to an HP (Historic Preservation) category between Marshall and Fairview Streets, the L.L. Tisdale Expressway and west of Main Street. The TMAPC and City Council unanimously approved the request.

**Z-6373 November 1992:** The homeowners of Brady Heights and Cheyenne Park requested rezoning on an area located east of the Osage Expressway to North Cincinnati Avenue, between Fairview Street and Pine Street from RM-1 to RS-4. This did not include the subject tract. All concurred in approving the rezoning request.

**BOA-15544 November 1, 1990:** The Board of Adjustment approved a Variance of the required setback or parking spaces from abutting R district from the centerline of Haskell Pl. from 50 ft. to 38 ft. for Use Unit 5; per revised site plan submitted; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot, on property located at the subject property.

**RELATED ITEM:**

25. **PUD-818 – 120 Development Group, LLC/Will Wilkins,** Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, requesting a PUD for a multifamily residential project limited to 16 dwelling units, **RS-4/RM-2/HP/PUD**, (CD-1) (Related to Z-7270)



**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

This is a proposed re-development project of multifamily residential units on a 0.49 acre property. The property is located on the northwest corner of West Haskell Place and North Cheyenne Avenue within the historic Brady Heights neighborhood. The property was originally a part of the Catholic Charities massing of property that also included the church located to the west and three single-family residential units that extended north from the church site. The subject property was purchased by W3 Development, LLC in December 2011.

The developers are very much in tune with the current state of multifamily residential and commercial re-development of downtown and in particular, the nearby Brady Arts District. In addition, the owner's representative is a resident of the Brady Heights neighborhood, and has developed three of the last four new constructions, single-family homes to be located within this neighborhood. The last home developed for sale was in 2008, selling in 2009. The owner's representative is also aware of the growing interest in this neighborhood as an alternative to offerings within the nearby CBD district of downtown proper. The developers see this project as an opportunity to entice and transition current downtown apartment dwellers into this neighborhood and later into its existing single-family dwellings. In addition to the transitioning aspect of this project, the developer seeks to embrace the vision of the Tulsa Comprehensive Plan by encouraging greater density and diversity within the downtown core's surrounding neighborhoods.

The owner's representative has held two meetings with the Brady Heights Neighborhood Association. The first was held with the Board of Directors on April 19th with little to no comment at that time. The second meeting was held with the general membership of the neighborhood on May 17<sup>th</sup>. Those in attendance comprised less than half the ownership interests in the neighborhood. Main topics of concern were the multifamily aspect and its relation to potential Section 8/subsidized housing and general design with many seeking input in the design aspect of the project. This project WILL NOT utilize subsidized housing programs. To date, only two residents have reached out to the developers beyond those meetings.

The developers have pledged to make every effort in the design of the project to maintain the architectural character of this historic area. The developers have already met with Tulsa Preservation Commission staff to review the conceptual design and incorporate suggested changes. The project will be submitted to the Tulsa Preservation Commission for their review and approval. Design of the project and its structures will meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Commercial Structures.

The property owner intends to develop a multifamily project with (16) one-bedroom units contained within two separate structures. The largest structure facing Cheyenne would encompass (12) apartment units within a three-story structure. The second structure would encompass (4) one-bedroom units within a two-story structure. The purpose of the varying structure heights is to maintain similar roof lines given the rising topography of the subject property rising from east to west. Off-site parking will be located behind the structures to accommodate the required parking per code with access off of Haskell and off of the alley located to the west of the subject parcel. Landscaping and screening will be addressed for access points off of Haskell and to hide any mechanical equipment from view down Haskell and the alley.

**PUD-818 DEVELOPMENT STANDARDS:**

This PUD will consist of one development area subject to the following development standards:

Land Area (gross):	32,400 SF
Land Area (net):	21,127 SF
Permitted Uses Use Unit 8:	Multifamily Dwelling with customarily incidental uses in RM-2 districts.
Maximum Dwelling units:	16 (regardless of #/bedrooms)
Maximum Building Height from finished floor at first floor:	40 Feet to top of parapet
Maximum Floor Area:	14,000 SF
Minimum Off-Street Parking Spaces Per Dwelling:	1.5 spaces per dwelling unit.

**Build To Lines\* -**

From West Haskell Place	0'-0"
From North Cheyenne Avenue	10'-0"
North Property Line	38'-0"
West Property Line	23'-0"

*\*A "build-to-line" shall be the line on the lot facing West Haskell Place or North Cheyenne Avenue where the front façade of a structure shall be placed. If lot circumstances prohibit placement at that line because of physical characteristics recognized by the*

*Preservation Commission the structure may be moved up to 10' further from the public street as approved by the Preservation Commission without amending the Planned Unit Development.*

Minimum Livability Area per Dwelling –

500 SF/Unit

**HISTORIC PRESERVATION OVERLAY STANDARDS:**

No residential building permit shall be issued until a Certificate of Appropriateness is granted by the Tulsa Preservation Commission. The architectural character of all structures in this PUD shall meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Residential Structures.

The Historic Preservation consideration of this PUD shall be in conformance with Chapter 10a of the Tulsa Zoning Code. The Tulsa Preservation Commission shall approve the structures and future modifications through the review of an application for Certificate of Appropriateness.

**UTILITIES:**

All utilities are available to the property. City of Tulsa waterlines are located along North Cheyenne Avenue with sanitary sewer lines located along both West Haskell Place and North Cheyenne Avenue. Stormwater is located along North Cheyenne Avenue. Gas, electric, cable and telephone are all available to the property.

**VEHICULAR ACCESS AND CIRCULATION:**

Vehicular access will be from West Haskell Place to both the adjacent alley located to the west of the property and the parking lot drive located between the two structures.

The alley approach from Haskell will be modified to meet current City of Tulsa Standards.

**PEDESTRIAN ACCESS:**

Pedestrian Access will continue to be provided in public street right of way. Sidewalk improvements may be required during the development process to enhance the standards provided in the American Disability Act. It is anticipated that stairs will be added from the public sidewalk to all of the residential access points and their adjacent sidewalks. Stair details will be a part of the site development considerations reviewed by the Tulsa Preservation Commission.

**BUILDING IDENTIFICATION SIGNAGE:**

Building identification signage or lettering shall receive a Certificate of Appropriateness from the Tulsa Preservation Commission.

**LIGHTING:**

All lighting standards shall be constructed in a manner that prevents visibility of the light emitting element or from the reflector inside the fixture from nearby residentially zoned properties. All light fixtures must be pointed down and away from residentially zoned properties across a public street or adjacent residentially zoned properties north of the PUD.

No building mounted light fixture will be placed greater than 20 feet above finished ground.

Any pole mounted light will be limited to 15 feet above finished ground.

Prior to installation of any lighting in any exterior areas contained in the PUD a Certificate of Appropriateness shall be approved by the Preservation Commission.

**TRASH REMOVAL STORAGE AND SITE SCREENING:**

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh, or other gate system will be installed with a minimum opacity of 95% shall be allowed on enclosure doors. Trash removal may only be accessed from the public alley on the west boundary of the site.

A masonry screening wall shall be installed parallel to East Haskell Place and North Cheyenne within ten feet of any parking area. The fence or wall will be a minimum of four feet in height above the nearest parking area curb elevation. Openings or gates may be allowed in the screening wall system for pedestrian access.

**LANDSCAPING:**

Minimum internal landscaped space 15%

In lieu of providing trees within 50' of every parking space, trees shall be planted or preserved within the lot and within 15 feet of the street right of way line. Trees shall be planted and maintained as follows; 7 new trees shall be planted along Haskell and 5 trees shall be planted along North Cheyenne. New trees shall be a minimum size of 2.5" caliber and 12' tall.

The PUD shall meet the requirements of the Landscape Chapter of the City of Tulsa Zoning Code in all other manners.

**PLATTING REQUIREMENT:**

The property will be re-platted as part of the development of this site however building permits may be issued because the underlying plat is still in effect.

**EXPECTED SCHEDULE OF DEVELOPMENT:**

It is anticipated that site development will commence as soon as all necessary approvals are obtained. The anticipated date is Spring 2015 at the latest.

**DETAILED STAFF RECOMMENDATION:**

PUD-818 is consistent with the Existing Neighborhood land use designation of the Tulsa Comprehensive Plan. The general concept for a small scale multifamily residential project does not preserve the existing single-family nature of the neighborhoods built after World War II but this neighborhood was originally developed when a mix of commercial, offices, multi family, churches and other uses were part of the fabric of a neighborhood and;

The PUD is consistent with the PUD Chapter of the Tulsa Zoning Code and;

PUD-818 is compatible with the anticipated development of the Brady Heights Historic area however it should be noted that the general mixed use character of the Brady Heights neighborhood should not evolve into a collection of multifamily residential properties. This part of Brady Heights includes a significant inventory of vacant lots. The general trend for the area should be single-family residential development and;

The improvements of the street yard and pedestrian experience in the street right-of-way are consistent with the vision of the Downtown Tulsa Master Plan and;

The PUD detailed site plan will be submitted to the Planning Commission for approval after the Preservation Commission reviews and approves the building and site as being consistent with the Tulsa Preservations Commission Unified Design Guidelines for this project therefore;

Staff recommends **APPROVAL** of PUD-818 as outlined in Section I above.

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

*Staff Summary: PUD 818 is located inside the Brady Heights Historic district. The building placement and use is defined in the PUD. The architectural style of the building is reviewed and recommended for approval by the Preservation Commission. The Brady Height neighborhood was constructed in the 1920's and*

*included a mix of single-family residential lots, small scale multi family, small mixed use commercial buildings and church uses.*

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

*Areas of Stability and Growth designation:* Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: This site is at the north western corner of the Downtown Master Plan which recognizes the importance of Brady Heights as a historic neighborhood and potential for high quality residential redevelopment opportunities. The streetscape quality for pedestrian and vehicular uses are noted as one of the primary goals for the Downtown Master Plan.

Historic Preservation Overlay: Brady Heights

**BRADY HEIGHTS HISTORIC DISTRICT**  
NATIONAL REGISTER DISTRICT BOUNDARY MAP



**Southeast Corner North Denver at West Latimer Intersection:**

The image below illustrates the mix of small scale apartments, single-family residential and small commercial mixed use buildings in the Brady Heights Neighborhood.



**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is part of several vacant lots on the west side of N. Cheyenne and North of West Haskell. The only significant vegetation is on the perimeter of the site and the terrain is sloping from west to east.*

Environmental Considerations: There are no significant physical constraints affecting the development of this property. Some terrain from the high point on the west adjacent to the alley to a low point on Cheyenne on the east boundary will require careful attention to detail for the site to meet ADA guidelines.



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Cheyenne Avenue	None	50 feet	2
East Haskell Place	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by single-family residential, zoned RS-4; on the north by vacant lot, zoned RS-4; on the south by a vacant lot, zoned RS-4; and on the west by a church building, zoned RS-4.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17817 dated November 5, 1992, established zoning for the subject property.

***Subject Property:***

**Z-6723 December 1999:** The homeowners of Brady Heights requested rezoning for many of the properties to an HP (Historic Preservation) category between Marshall and Fairview Streets, the L.L. Tisdale Expressway and west of Main Street. The TMAPC and City Council unanimously approved the request.

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**BOA-15544 November 1, 1990:** The Board of Adjustment approved a Variance of the required setback or parking spaces from abutting R district from the centerline of Haskell Pl. from 50 ft. to 38 ft. for Use Unit 5; per revised site plan submitted; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot, on property located at the subject property.

Mr. Wilkerson stated that the rezoning by itself for RM-2 would not be appropriate without a PUD overlay. If it were just a request for RM-2, there is the 75-foot building setback between single-family residential and multifamily and in essence it would make the subject property undevelopable. Mr. Wilkerson further stated that the PUD was written to change the setback and to provide development guidelines that would be used for the future development of the subject project in conjunction with the Preservation Commission. The architectural standards and all of the

historic elements that are a part of the subject neighborhood would be reviewed at the Preservation Commission. Mr. Wilkerson indicated that the conceptual drawing/combination shown that has not been approved by the Preservation Commission.

Mr. Wilkerson stated that this proposal could be considered spot zoning, but the part of this project that is interesting is part of the historic character of the Brady Heights Historic District. Brady Heights was built back in 1920 and there were multifamily projects sprinkled through the neighborhood. The proposal is very similar in character to a lot of the old neighborhoods that were very walkable and they had small apartment buildings, small commercial areas and churches all mixed up together. Staff believes that a multifamily project on the subject property is consistent with the historic character that the neighborhood was built in. Mr. Wilkerson stated that staff believes that this would be a good addition to the subject neighborhood and only in this one location. Mr. Wilkerson commented that he knows once this is started it sometimes makes it difficult if people want to continue doing it and it would be very difficult to recommend approval for future multifamily projects in the subject neighborhood. Mr. Wilkerson cited the diverse uses surrounding the subject property.

Mr. Wilkerson reviewed and summarized the development standards for the subject PUD.

#### **TMAPC COMMENTS:**

In response to Mr. Covey, Mr. Wilkerson stated that staff has been in conversation with the Preservation Commission as well as the applicant. Mr. Covey asked if the Planning Commission gets this first and then the Preservation Commission or vice-versa. Mr. Wilkerson stated that staff's recommendation on this project is that if this PUD is approved it would go to the Preservation Commission before coming back with a detailed site plan review.

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

**Will Wilkins**, 615 North Cheyenne Avenue, 74106, stated that he lives three blocks south of the subject property and has been a resident of Brady Heights for eight years. Mr. Wilkins indicated that he developed single-family residential in the subject area until the market turned in early 2008. Mr. Wilkins indicated that only one single-family home has been built since 2008 and it was done by an already established neighbor wanting to build a larger home across the street. Mr. Wilkins cited how difficult it is to develop single-family homes in the subject area due to the lack of funding in the subject area because of the comparable prices in the subject area. Mr. Wilkins stated that he represents the property owners, W3 Development, who purchased the subject property from the Catholic

Church. The plan is to build a 16 unit apartment complex, two buildings. One building will be a two-story structure and one will be a three-story structure with ample parking for all of the units on the subject property and along the alley. Mr. Wilkins indicated that it is getting cost prohibitive to live in apartments in the downtown area and he feels that with the subject property he can serve young professionals or seniors that are more affordable and still downtown. Mr. Wilkins commented that if the apartment renters fell in love with the neighborhood, then they would have the funding and means to build single-family residences or renovate properties within the neighborhood.

Mr. Wilkins stated that he is looking at several vacant pieces of property in the neighborhood and no development since Julie Miner's house was built on the corner of Cheyenne and Franklin about two years ago. Mr. Wilkins stated that he hopes the proposed apartment buildings would start further development in the subject area. Mr. Wilkins cited the meetings he has attended regarding this proposal. Mr. Wilkins stated that there has been some concern about Section 8 housing and the cost to build this structure, parking and landscaping does not in any way afford itself to subsidize or Section 8 housing. Mr. Wilkins indicated that he has no intention of the apartments being subsidized and he lives in the neighborhood. Mr. Wilkins commented that he has one of the most expensive homes built in the neighborhood and he wants his property value to increase, not decrease. Mr. Wilkins further commented that he is very passionate about a project like this bringing the neighborhood up and not down. Mr. Wilkins cited other neighborhoods where the same type of development exists. Mr. Wilkins cited the existing apartment complexes in the Brady Heights district.

**TMAPC COMMENTS:**

Mr. Fretz asked Mr. Wilkins what the mix of one and two bedrooms would be and what the pricing on rentals would be. Mr. Wilkins stated that they are all one bedroom units and based on his knowledge of the downtown core those are the first to go to young professionals. The demographic that he is targeting are those young 25 to 35 year olds that haven't necessarily established a family yet. The units will be on average of 800 square feet and rent \$800.00 to \$900.00 per month, plus utilities. Mr. Wilkins indicated that the projected rent is well outside of Section 8 range.

**INTERESTED PARTIES COMMENTS:**

**Olivia Ray**, 729 North Cheyenne, 74106, stated that she has lived in her home since 1986 and she explained that when the subject neighborhood was designated historical it was to be for single-family homes. She commented that the existing apartments Mr. Wilkins has mentioned has never had desirable renters in them. Ms. Ray stated that Section 8 pays up to \$900.00 and the proposed rental fee will not exclude it from being

Section 8. Ms. Ray further stated that if the owner doesn't rent it to the people that they have in mind, then they will not let it sit empty and Section 8 will pay the difference and utility bills. There is no guarantee that young professionals will move into the proposed apartments. Ms. Ray concluded that she lives across the street from the proposed apartments.

**Mark Crawl**, 769 North Denver, 74106, stated that there is nothing close to a 16 unit in the neighborhood. This would be the largest multi-unit structure added to the neighborhood. Mr. Crawl further stated that he believes eight is the current amount of units. Mr. Crawl commented that the proposed 16 units would put a lot of people in a very small area and it would affect a lot of the infrastructure as well as the streets, sewers, etc. Mr. Crawl pointed out that one of the apartment houses that Mr. Wilkins referenced is not in the Brady Neighborhood and has had Section 8 housing and a murder this year. Mr. Crawl expressed concerns with the proposal.

**Regina Goodwin**, 762 North Denver, 74106, stated that she has lived in her home for 40 years and there are been a number of people move into the neighborhood over the past few years. Ms. Goodwin further stated that what is going on downtown is making it the happening place and she understands that Mr. Wilkins is a business man and works for profit, which she doesn't have a problem with, but she does have a problem when Mr. Wilkins has to come in and ask for areas to be rezoned to fit his pocket. The subject area is for single-family housing and that is what it has been. There was a conservative effort to bring homes into the neighborhood over the past few years and it has been very successful. She expressed concerns to hear that there is a housing bust and she knows that Mr. Wilkins was a part of the development of single-family homes in the subject neighborhood, but now she is hearing that the apartments are a better idea. Ms. Goodwin stated that she would like to know who is going to profit from the proposed building and why is all of this maneuvering being done to accommodate this project. Ms. Goodwin further stated that the standard/basic knowledge is that we have rooftops, stability and community. Ms. Goodwin commented that she is not talking about transitions, but talking about people who want to move in and invest in the community and be there a while. This notion of codling certain people that can't afford living downtown is a little striking to her because she believes that there are some real hard working folks that want to be in a house where they can be there for a while and it is in a neighborhood that this was built upon. Ms. Goodwin concluded that there is a sense of community in the subject neighborhood because of the homes. Ms. Goodwin stated that the proposed apartment will not serve the community it will serve Mr. Wilkin's pockets. Ms. Goodwin requested that this proposal be denied. Ms. Goodwin stated that she is not a part of the

Homeowner's Association and she doesn't believe that one should have to be a part of the association to be considered. Ms. Goodwin read from the new Comprehensive Plan that stated Tulsa's priority is to preserve existing single-family areas.

**Jeremy Grodhaus**, 210 West Gorden Street, 74106, stated that his home is a few blocks south of the proposed development. Mr. Grodhaus stated that he collected 106 signatures opposing the proposal. Mr. Grodhaus presented a map showing homes requesting denial, homes that were in agreement with the proposal and homes that didn't have a strong opinion. Mr. Grodhaus referenced and read his letter he submitted for the agenda packet, pages 25.20 to 25.24. Mr. Grodhaus asked that this be denied and allow the neighborhood work with the developer. [Mr. Grodhaus mentioned a petition and map showing homes in favor, opposed, etc. but were not submitted to the TMAPC Secretary as an exhibit.]

**TMAPC COMMENTS:**

Mr. Fretz asked Mr. Grodhaus how many vacant lots are on his map. Mr. Grodhaus counted 30 vacant lots on his map.

**INTERESTED PARTIES COMMENTS:**

**Chris Carter**, 1137 North Cheyenne Avenue, 74106, stated that he has lived in the subject area for eight years. Mr. Carter indicated that he and his wife participated in the PLANiTULSA meetings. Mr. Carter stated that he moved into the subject neighborhood because it was planned to be a single-family residential area and it was apparent that it was growing. Mr. Carter commented that opening up for spot zoning or making exceptions to the intent of that is opening the neighborhood up for a decrease in the number of families who are moving in. Mr. Carter stated that everyone has enjoyed the infill development and the homes that Mr. Wilkins has developed and there are families in those homes. Mr. Carter further stated that everyone would be happy if he continued to build single-family homes. Mr. Carter requested that this proposal be denied.

**Jeff Weaver**, 823 North Cheyenne, 74106, stated the subject area is zoned RS-4 and by definition this is spot zoning. Mr. Weaver expressed concerns that by allowing this it would be setting a precedence of spot zoning and it would be difficult to stop continued development between Cheyenne and Haskell. There are eleven single-family lots in the subject area and only three single-family homes.

**Mr. Liotta has recused himself.**

Mr. Liotta out at 4:05 p.m.

**Applicant's Rebuttal:**

Mr. Wilkins stated that he appreciates everyone coming up and voicing their opinions and concerns, but he approached the neighborhood back in May of this year and in that time he has only had three individuals reach out to him. Mr. Wilkins indicated that one of the individuals to contact him was Mr. Parker who owns the property north of the subject site. Mr. Wilkins stated that Mr. Parker lives in California and Mr. Parker indicated that his favorable of the project and sees it as a great potential to further grow the neighborhood. Mr. Wilkins stated that it was referenced that within the HP overlay it was specified what would be built in the subject neighborhood and to his knowledge nothing within the HP overlay specifies that only housing structures this type will be built. Mr. Wilkins further stated that the HP overlays were intended to ensure that the quality of the historic aspect of the neighborhood was maintained and the integrity maintained. Mr. Wilkins reiterated that when Brady Heights was originally built it included commercial, multifamily and single-family residential in a small footprint. Mr. Wilkins stated that he believes that zoning was put in place as blanket zoning and was never taken into account the individual parcels in a fixed neighborhood such as this. Mr. Wilkins agreed that the existing apartments in the subject neighborhood have fallen into disrepair over the last 80 years. Mr. Wilkins admitted that there is some money to make in this project, but he lives in the neighborhood and he has other lots in the subject neighborhood and his intent is to build this neighborhood up to see it prosper and succeed. Mr. Wilkins stated that he has been asked by several people to put some type of regulation on the development to prevent Section 8 housing and that is not possible because it would violate the Equal Housing Opportunity Act. Mr. Wilkins reiterated that it is not his intention to build Section 8 housing. Mr. Wilkins stated that the Fairview Apartments are in the Brady Heights District and it has more than eight units. Mr. Wilkins cited the number of units in the existing apartments in the subject area. Mr. Wilkins stated that stability in a neighborhood comes from people and what they bring to the neighborhood. Mr. Wilkins commented that one of the statements from PLANiTULSA was more density, diversity and builds the urban core and this project does that. Mr. Wilkins stated that he believes everyone receives a pamphlet on their door, regardless if they are not a member of the HOA. Mr. Wilkins explained that the tried to reach out to everyone in the neighborhood. Mr. Wilkins stated that Amanda DeCort, staff for Preservation Commission, stated in an email that the proposal does fit. Mr. Wilkins addressed the statement that the only single-family homes that have moved here since 2008 have been existing single-family homes with young professionals and young families coming in to redevelop them. Mr. Wilkins stated that there was previously a project setup where funding was used, he believes through some City funding, given to builders to try bolster new construction in the subject neighborhood. Mr. Wilkins indicated that those homes sat and lingered, then ultimately sold for far less than what the

builder intended at the time. Mr. Wilkins stated that he did build a couple of homes and he didn't make a tremendous amount of money and it was more for getting his name out there and his capabilities. Mr. Wilkins further stated that he hopes his own home greatly increases in value over the next ten years.

**TMAPC COMMENTS:**

Mr. Midget stated that he realizes Mr. Wilkins stated that no one reached out to talk with him, but today he has heard their concerns about the project. Mr. Midget asked Mr. Wilkins if he would be willing to set down and talk with the neighbors and see if there is some type of medium. Mr. Wilkins stated that he can state that he has looked at this thoroughly for single-family and it is not viable and if he takes out four units on the three-story building it's not a viable project as well. Mr. Wilkins stated that he is at the bare minimum and he could have put a third story on the other structure, but he wanted to keep it in context with the neighborhood. Mr. Midget asked Mr. Wilkins if his response is no. Mr. Wilkins answered affirmatively.

Mr. Covey stated that as he looks at this and Mr. Wilkerson mentioned that this is spot zoning. Mr. Wilkerson stated that in the simplest form of that question, yes it is spot zoning, but in context with the neighborhood, character of how this era of Tulsa has developed it is consistent with that fabric of the neighborhood. The only tool that staff has to work with is a PUD with a multifamily overlay. Mr. Wilkerson stated that this is a very interesting site in a historic neighborhood and it gives another layer of design that will help that project fit into the fabric. Mr. Wilkerson further stated that if this was purely multifamily, then staff would have never recommended approval. Mr. Wilkerson explained that with the combination of the historic character overlay and the Preservation Commission is going to look at this and he feels good with the project. Mr. Covey asked what happens if this goes forward, then what happens on those other 30 lots and what is going to be the recommendation the next time. Mr. Wilkerson commented that that is not an easy question, but he believes that this would be it and there would be no more multifamily use in the subject neighborhood because it would take away from that single-family character that needs to be there. Mr. Covey asked Mr. Wilkerson why this one doesn't take away the single-family character. Mr. Wilkerson stated that he doesn't think the subject proposal takes away the single-family character of the neighborhood.

Mr. Carnes stated that we all know that this is spot zoning. Mr. Wilkerson stated that he answered that before with a yes and it is spot zoning. Mr. Carnes stated that if the Planning Commission vote for the spot zoning and there is 30 more vacant lots in the subject neighborhood, then it would

difficult to turn down multifamily zoning on them and he can't support this application for that reason.

Mr. Covey stated that he has the same issue as Mr. Carnes. Mr. Covey stated what if this is a huge success and the rent is higher than the \$800 or \$900 and what does that do for other investors and where would they look. Mr. Wilkerson stated that all of these issues are things that staff considered very seriously. Mr. Wilkerson further stated that we want this part of town to be successful and more activity, street life, etc. Mr. Wilkerson commented that staff thought this was a good way to help support the Comprehensive Plan for providing some diversity in the urban core neighborhoods. Mr. Wilkerson stated that there are a lot of conversations in the Comprehensive Plan about allowing infill and encouraging infill in existing neighborhoods and it has to be appropriate. The only way to do this, beyond straight zoning, is with a PUD and when it is in a historic district there is the Preservation Commission that will also help keep it all in check. Mr. Wilkerson stated that it needs to be tastefully done and he is glad this conversation is happening because he really feels strongly that beyond this project this needs to be a single-family neighborhood. Mr. Wilkerson commented that one of these sprinkled into the neighborhood, where there are already three or four apartment buildings, is a good thing. Mr. Wilkerson further commented that he believes that this proposal fits in the character of the neighborhood that is originally developed.

Mr. Stirling stated that he agrees with all of Mr. Wilkerson's statements and the applicant and many of his statements. Mr. Stirling asked if it is the configuration of this particular lot that allows it to be for best for multifamily where the other 29 or 30 vacant lots would not be conducive to multifamily. Mr. Wilkerson stated that the thing about this that he thought was interesting is that there is a large inventory of empty lots to the north of the subject site. The existing neighbors are not affected because there is no one there. There are three houses on the east side that will be impacted by this project. Across the corner there are existing single-family residences, but if there is ever going to be an infill project like this, this one is not going to be impacted by the church next door and there is already a buffer built in and future development will come in with the knowledge that there is an apartment complex on the subject lot, which staff believes is going to be a quality product. The other vacant lots are fairly scattered throughout the neighborhood. Mr. Stirling asked if this would be addressed in the Zoning Code update. Mr. Wilkerson stated that there are some cottage home options in the new Zoning Code. Mr. Stirling stated that this is what we have been hearing people say that they want for quite awhile. Mr. Wilkerson stated that Ms. Miller mentioned that there is a component in the new Zoning Code that encourage small, tasteful



apartment projects that could be integrated into single-family neighborhoods.

Mr. Covey asked Ms. DeCort if there has been anything said today that was taken out of context or that she would like to verify. Mr. Wilkerson clarified their earlier statement that the Preservation Commission hasn't seen this, but our staff has met with the applicant and INCOG staff. Ms. DeCort stated that she doesn't want anyone to think that this has been pre-approved by the Preservation Commission because they have not seen it. Ms. DeCort stated that the comments made today are fairly accurate.

Mr. Covey asked Ms. DeCort if she would say that the proposed project is in keeping with the historic nature of the neighborhood. Ms. DeCort stated that TPC staff does not recommend and let the Board do all of the arm wrestling on that. It will come down to the scale of the project for this particular application. Mr. Covey asked Ms. DeCort if the Planning Commission were to approve the subject proposal and then it goes to TPC and they say no, then what happens. Ms. DeCort stated that Preservation Commission tries to find solutions that aren't "no way" and they do not have to approve anything as it is submitted so they try to work with the applicant to come to a compromise that works for everyone. Ms. DeCort explained that when it is not possible to work out a compromise, then the case goes to the Board of Adjustment.

In response to Mr. Midget, Ms. DeCort stated that the Preservation Commission has no purview of the use of property and if the Planning Commission approves a PUD and rezoning the Preservation does not review that. Ms. DeCort stated what the TPC will review is designs for anything that gets built prior to any building permits being issued. If the Planning Commission approves the PUD and the TPC can't get to a design that can be approved then it would be stuck on some sort of vortex and the applicant's recourse is to go to the Board of Adjustment.

Mr. Midget stated that he has some history with this area and the redevelopment efforts that were mentioned today. It was the City's intent and design to rebuild the subject neighborhood as a single-family residence for stability purposes and try to bring people in for the long haul. Mr. Midget indicated that it was already known that there was more rental property in the area than would have liked and that is why the City was trying to create new home ownership opportunities. There is some merit to the fact that there are some apartment complexes or buildings in the area, so in a technical sense it does fit with the character of the neighborhood, but concerned with the number. Mr. Midget commented that the property owner to the north of the subject property has already been noticed about this proposal and he is in favor so what will the

Planning Commission tell him when he comes in with the same proposal and he will be coming in next. Mr. Midget stated that it would be hard to tell someone no after approving this proposal and there would be another 12 unit apartment complex next to single-family and he would have trouble with the scale.

Mr. Midget stated that the other thing he wants to address is that he is not afraid of Section 8 people, because nurses, teachers and people that work at City Hall that get assistance to live. They all want to live in a decent, safe, vibrant community and neighborhood. Mr. Midget further stated that his issue is with management of these types of apartment complexes that allow undesirables and don't check who their tenants are and allow them to do things that are destructive to the neighborhood. Mr. Midget stated that he remembers when the HP overlay was discussed for the subject area and it is a little different than other areas because we wanted to encourage people to come in without making it cost prohibitive. Mr. Midget commented that he doesn't know if he can support this project the way it is because of the unknown.

Mr. Carnes stated that he knows that people moving back into this neighborhood is coming slow, but the people are moving back into it. It is known that rental property does bring property values down.

Mr. Carnes moved to deny the staff recommendation.

No second. Mr. Covey stated that the motion will be on the table for a moment and allow others to speak.

Mr. Stirling stated that along the same lines of Section 8, rental property is necessary in this town too and it does go back to management. If management of rental property is taken care of properly, everyone is getting along and that is taken into account. Mr. Stirling stated that this is what people have been asking for since PLANiTULSA came into being. Mr. Stirling commented that he doesn't know how we would get around the gentleman to the north who would want to do the exact same thing, other than just denying him and that may not be legal.

Mr. Covey stated that from his standpoint as a Commissioner he is not concerned about the historical aspect of this because TPC will do their job and TMAPC will get to look at the detailed site plan. It is what Mr. Stirling said, that this is what people have been asking for, but then was it this neighborhood that asked for it. Mr. Covey further stated that there is a non-state resident owning the property to the north who is in support of this because he sees his property value going up because he is going to sell it to the next building coming in. Mr. Covey asked how does the Planning Commission decide that this is the right project and at this

location versus another project on a different spot. At the present time this is the only project and it is the first one with regard to this type of use at the present day.

In response to Mr. Stirling and Mr. Covey, Ms. VanValkenburgh stated the legislative body, City Council, has quite a bit of discretion of what they can approve regarding zoning. Ms. VanValkenburgh further stated that it is more difficult to deny the same use.

Mr. Fretz stated that what he keeps thinking about is that there hasn't been any homes built there for a number of years and there are 30 vacant lots. Mr. Fretz further stated that he doesn't know if by approving this project it would kill the opportunity for more homes being built.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **4-3-0** (Carnes, Covey, Midget, Shivel "aye"; Fretz, Millikin, Stirling "nays"; none "abstaining"; Dix, Liotta, Reeds, Walker "absent") to recommend **DENIAL** of Z-7270 and PUD-818.

**Legal Description for Z-7270/PUD-818:**

S20 LT 3 & ALL LTS 4 & 5 BLK 1, Brady Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Mr. Liotta in at 4:41 p.m.

Mr. Carnes out at 4:41 p.m.

26. **CZ-435 – Smalygo Properties, Inc.**, Location: North of the northwest corner of North Garnett Road and East 176<sup>th</sup> Street North, requesting rezoning from **AG to RE**, (County)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The total parcel of land is approximately 24 acres. The applicant has indicated that the proposed use for the subject parcel will be for a new residential subdivision.

**SECTION I: Detailed Staff Recommendation**

CZ-435 is adjacent to existing single-family residences on large lots to the North, South, East and West, and:

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

Staff recommends **APPROVAL** of CZ-435 for the rezoning from AG to RE.

## **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.

### DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 24+ acres in size and is located north of the northwest corner of East 176<sup>th</sup> Street North and North Garnett Road. The property appears to be vacant and is zoned AG.

Surrounding Properties: The subject tract is abutted on the North, East and West by farm land and single-family residence zoned AG; and on the South by single-family residences, zoned AG.

### Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Garnett Road	Secondary Arterial	100'	2

### Utilities:

The subject tract does not have municipal water and sewer available.

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

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

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

**CZ-352 April 2005:** All concurred in approval of a request for rezoning a 19+ acre tract of land from AG to RE for a residential development, on property located south of the southeast corner East 186<sup>th</sup> Street North and North Garnett Road

**CZ-274 December 2000:** TMAPC recommended approval of a request to rezone a 9.3-acre tract located on the northeast corner of East 176<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue from AG to RE for single-

family development. Final hearing before the Board of County Commissioners has never been pursued by the applicant.

**INTERESTED PARTIES COMMENTS:**

**Kimann Vargas**, 11500 East 177<sup>th</sup> Street North, Collinsville 74021, stated that she opposes the rezoning. Ms. Vargas expressed concerns with the amount of mobile homes in the subject area and concerned what types of homes would be placed on the subject lots. Ms. Vargas stated that she doesn't want to see any more homes in the subject area. There are subdivisions going in all over the subject area. Ms. Vargas expressed concerns with the infrastructure and schools being overloaded. Ms. Vargas explained that she had been out of town for two weeks ago and didn't learn about this application until Monday.

Mr. Hoyt stated that notification is typically 300 feet from the property line. Ms. Vargas questioned that the signage on the subject property was placed facing Garnett and she doesn't believe anyone would have seen the sign. Ms. Vargas feels that is the only reason no one is present today except her.

The applicant wasn't present at today's meeting.

Mr. Midget stated that he can understand Ms. Vargas concerns, but this is for RE zoning, which are large residential lots and it is not out of character for the subject area.

Mr. Covey stated that looking at the history on the subject area this seems to be the practice of the past to rezone from AG to RE.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to recommend **APPROVAL** of the RE zoning for CZ-435 per staff recommendation.

**Legal Description for CZ-435:**

A TRACT OF LAND THAT IS PART OF THE SE/4 OF SE/4 OF SECTION 6, T-22-N, R-14-E, IB&M, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N 01°26'52" W ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 420.00 FEET; THENCE S 88°55'05" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°55'05" W A DISTANCE OF 256.00 FEET; THENCE N 01°26'52" W A DISTANCE OF 100.00 FEET; THENCE S 88°55'05"

W A DISTANCE OF 248.00 FEET; THENCE S 01°26'52" E A DISTANCE OF 100.00 FEET; THENCE S 88°55'05" W A DISTANCE OF 764.85 FEET TO A POINT ON THE WEST LINE OF SAID SE/4 SE/4; THENCE N 01°26'52" W ALONG SAID WEST LINE A DISTANCE OF 901.31 FEET TO THE NORTHWEST CORNER OF SAID SE/4 SE/4; THENCE N 88°54'55" E ALONG THE NORTH LINE OF SAID SE/4 SE/4 A DISTANCE OF 978.45 FEET; THENCE S 01°26'52" E A DISTANCE OF 330.00 FEET; THENCE N 88°54'51" E A DISTANCE OF 290.40 FEET; THENCE S 01°26'52" E A DISTANCE OF 571.38 FEET TO THE POINT OF BEGINNING, CONTAINING 23.49 ACRES MORE OR LESS. Tulsa County, State of Oklahoma.

\* \* \* \* \*

27. **Z-7283 – Bart C. James**, Location: West of southwest corner of East 31<sup>st</sup> Street and South Garnett Road, requesting a rezoning from **OL/CS to CS**, (CD-6) (Related to Z-7283 Plat Waiver)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

Rezone property that is currently in both OL and CS zones to CS zone. Applicant proposes to construct a carwash at this location. Applicant has applied for a special exception to permit a carwash, Use Unit 17, in a CS district. The special exception case is on the 10/14 Board of Adjustment agenda.

**DETAILED STAFF RECOMMENDATION:**

Z-7283 requesting CS (Commercial Shopping Center) as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CS zoning is harmonious with existing surrounding property; and

CS zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **APPROVAL** of Z-7283 for the rezoning from OL/CS to CS

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* Z-7283 is included in a Town Center and an Area of Growth. The rezoning request will complement the vision identified. The CS zoning designation will provide many future opportunities for development and allow density to match the long term vision for the area.

### Land Use Vision:

*Land Use Plan map designation:* Town Center

*Areas of Stability and Growth designation:* Area of Growth

Land Use Plan map designation: The entire site is part of a Town Center Designation.

A Town Center Designation Area is defined as a medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single-family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

### *Areas of Stability and Growth designation:*

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

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

are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 31 <sup>st</sup> Street	Secondary Arterial	100'	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east and north by shopping centers zoned CS; on the south by multifamily housing, zoned RM-1; and on the west by a credit union, zoned OL.

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

**ZONING ORDINANCE:** Ordinance number 16315 dated October 19, 1983 (CS) and 11825 dated June 26, 1970 (OL), established zoning for the subject property.

***Subject Property:***

**BOA-21781:** There is a pending application to be heard on **October 14, 2014**, before the Board of Adjustment for a **Special Exception** to allow a car wash (UU17) in the CS District (Section 701, Table 1), on property located at and known as the subject property.

**BOA-13524 April 4, 1985:** The Board of Adjustment approved a Variance of the minimum frontage requirement in a CS district from 150 ft. to 98 ft.; finding the hardship was the taking of the 20 ft. for right-of-way purposes and a Special Exception to eliminate the use of a screening fence since the area is subject to flooding and a fence will dam up the flow, on property located west of southwest corner of E. 31<sup>st</sup> St. and S. Garnett Rd. and also known as the subject property.

**Z-5865 October 1983:** All concurred in approval of a request for rezoning a 4± acre tract of land from OL to CS for all that portion that was not within the floodway, on property located east of the southeast corner of S. 108<sup>th</sup> E. Ave. and E. 31<sup>st</sup> St. and also known as the subject property.

***Surrounding Property:***

**Z-6495 August 1995:** All concurred in approval of a request for rezoning a 1± acre tract of land from OL to CS for restaurant use, on property



located east of southeast corner of S. 108<sup>th</sup> E. Ave. and E. 31<sup>st</sup> St. and abutting west of subject property.

**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 **MILLIKIN**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to recommend **APPROVAL** of the CS zoning for Z-7283.

**Legal Description for Z-7283:**

PRT LT 2 BEG NEC TH S450 W281.76 N150 E161.18 N300 E119 POB LESS BEG 93.18W NEC TH W25.82 S20 E25.86 N20 POB BLK 2, VALLEY GLEN SOUTH, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

28. **Z-7283** – Plat Waiver, Location: 10910 East 31<sup>st</sup> Street, (CD-6) (Related to Z-7283 rezoning)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning from OL (office light) to CS (commercial shopping) and Special Exception for a car wash operation.

***Staff provides the following information from TAC for their September 18, 2014 meeting:***

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

**STREETS:** No comment.

**SEWER:** No comment.

**WATER:** No comment.

**STORMWATER:** Floodplains are required to be placed in an overland drainage easement.

**FIRE:** Emergency exit on access drive will need to be 20 feet wide or an approved turnaround will need to be provided for the vacuum drive. Further options can be discussed.

**UTILITIES:** No comment.

Staff recommends **APPROVAL** of the plat waiver for the platted property pending the rezoning and board of adjustment approval.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		X
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		
7. Floodplain		X
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		
a) If yes, was plat recorded for the original P.U.D.		

- |   |   |
|---|---|
| 10. Is this a Major Amendment to a P.U.D.?  | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  |   |
| 11. Are mutual access easements needed to assure adequate access to the site?   | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **STIRLING**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to **APPROVE** the plat waiver for Z-7283 per staff recommendation.

\* \* \* \* \*

29. **CZ-436 – Carson Law Firm PLLC/Barbara Carson**, Location: North of northwest corner of North Yale Avenue and East 126<sup>th</sup> Street North, requesting a rezoning from **AG to CG**, (County) (**Applicant has requested a continuance to November 19, 2014**) (Related to PUD-821)

**STAFF RECOMMENDATION:**

Applicant is requesting a continuance to November 19, 2014.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to **CONTINUE** CZ-436 to November 19, 2014.

\* \* \* \* \*

30. **PUD-821 - Carson Law Firm PLLC/Barbara Carson**, Location: North of northwest corner of North Yale Avenue and East 126<sup>th</sup> Street North, requesting a PUD, **AG to CG/PUD**, (County) (**Applicant has requested a continuance to November 19, 2014**) (Related to CZ-436)

**STAFF RECOMMENDATION:**

Applicant is requesting a continuance to November 19, 2014.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to **CONTINUE** PUD-821 to November 19, 2014.

\* \* \* \* \*

31. **PUD-822 – Eller & Detrich/Lou Reynolds**, Location: South and west of the southwest corner of South 129<sup>th</sup> East Avenue and East 101<sup>st</sup> Street South, requesting a PUD for zero lot-line single-family homes with private street and gated entry, **RM-0/RS/CS to RS/RM-0/CS/PUD**, (County)

**STAFF RECOMMENDATION:**

Rabbit Run is comprised of 27.4 acres of land south and west of the southwest corner of East 101<sup>st</sup> Street South (West New Orleans Street) and South 129<sup>th</sup> East Avenue (South Olive Avenue). A decorative wall will run along the frontage of both such streets and will blend architecturally with the entry features. A Boundary Map of Rabbit Run is attached hereto as Exhibit "A".

Rabbit Run is a master planned zero lot line single-family residential development. The Conceptual Site Plan for Rabbit Run is attached hereto as Exhibit "B".

Rabbit Run will be comprised of 115 lots and 17 Reserve Areas. The Reserve Areas will be designed as Project amenities and will contain many special features such as private streets, entry monuments, sidewalks, common parking areas, detention areas, signage, clubhouse, and a private park with walking trails, playground and recreational facilities. A home owners association will be established to provide for the maintenance, repair and replacement of the Reserve Areas and the improvements constructed therein.

Rabbit Run will be gated and will be served by private streets. The private streets will be constructed within a thirty (30) foot wide Reserve Area. The pavement cross-section will be constructed to provide for a minimum of twenty-seven (27) feet from the back of curb to back of curb for a two (2) lane driveway. Roll back or lay back curbs will be permitted. A four (4) foot sidewalk will be constructed on both sides of the street curb, except where parking bays are provided and at such locations the sidewalk width may be increased to five (5) feet. Decorative paving materials such as brick colored and or stamped concrete or colored concrete blocks may be substituted for plain concrete in key locations or for the entire sidewalk and walkway system. Additionally, at the corners of the property, flag lots may be utilized together with cross access easements.

An unnamed tributary to Haikey Creek bisects the property running east to west and will be wholly located within a Reserve Area and generally left in its natural condition, except for private street crossings, sidewalks, recreational facilities, detention facilities and any required utilities.

Except for utilities along the arterial streets, all utilities within the Project will be located underground.

There are two public street stubs leading into the development from the south and west and neither of these streets will be extended into the Project.

Rabbit Run is zoned RS – Residential Single-family District and RM-O – Residential Multifamily Lowest Density District and no rezoning will be required to support this PUD.

#### **PUD-822 DEVELOPMENT STANDARDS:**

##### **LAND AREA:**

GROSS:	1,195,345.03 SF	27.441	AC
NET:	1,135,307.28 SF	26.063	AC

##### **PERMITTED USES:**

Uses permitted as a matter of right in Use Unit 6, along with customary and accessory uses including but not limited to detached accessory buildings, gated entry, entry monuments, landscaped entrances, sidewalks, signage, security gate house, clubhouse and related recreational facilities, including food preparation facilities for residents only and meeting rooms, project sales offices, park and open spaces, playground and related recreational facilities, maintenance facilities, court gates, common parking areas, trails and walkways, detention facilities, picnic shelters and picnic

facilities, gazebos and water features, private street crossing and related bridge, and other uses incidental thereto.

MAXIMUM NUMBER OF LOTS: 115

MINIMUM LOT WIDTH: 50 FT\*

\*Except for flag and cul-de-sac lots which will have an eighteen (18) foot minimum width at the building line.

MINIMUM LOT AREA: 5200 SF

MAXIMUM BUILDING HEIGHT:

RESIDENTIAL STRUCTURES: 35 FT

NON-RESIDENTIAL STRUCTURES: 25 FT

LIVABILITY SPACE PER DWELLING UNIT: 1200 SF

LAND AREA PER DWELLING UNIT: 4000 SF

OFF STREET PARKING:

Two (2) enclosed off-street parking spaces per dwelling unit and at least two (2) additional off-street parking spaces per dwelling unit.

MINIMUM YARD REQUIREMENTS:

External Boundaries:

From property line abutting South 129<sup>th</sup> East Avenue  
(S. Olive Avenue) 30FT

From property line abutting East 101<sup>st</sup> Street South  
(W. New Orleans) 30FT

From the north and east property lines

Adjacent to commercial and/or multi-family areas 20FT

From the south property line 20FT

From the west property line 20FT

Internal Boundaries:

Front Yard Setbacks:

From lots required to have a sidewalk 25 FT\*

\* Such twenty-five (25) foot front yard setback may be reduced to fifteen (15) feet for a garage provided the garage doors are located at 90 degrees from the street line and the garage is side loaded. A fifteen (15) foot setback shall be allowed for the habitable portion of the structure provided that the garage is located at least twenty-five (25) feet from the street.

Side Yard Setbacks 1 FT and 9 FT\*\*

\*\* Side yard setbacks shall be a minimum of one (1) foot on one lot line and nine (9) feet on the other lot line ensuring there will be a minimum of ten (10) feet between buildings.

Side yard setbacks on corner lots shall be a minimum of fifteen (15) feet providing the garage does not front upon the street.

Rear Yard Setbacks: 20 FT\*\*\*

\*\*\* Except for lots that back up to the open space park the minimum rear yard can be reduced to ten (10) feet.

Detached accessory buildings shall comply with the minimum yard requirements for principal structures.

#### PRIVATE STREETS:

Minimum width: 30 feet of reserve area with 27 feet of paving\*

Sidewalks will be placed on both sides of the streets however where streets abut common open space the sidewalks may extend into the common area generally following the street alignment.

*\* The streets within the Project will be designed and constructed to the standards of the City of Broken Arrow. No streets will be constructed within the Project without the approval of the Director of Development Services of the City of Broken Arrow or his successor.*

#### ENTRY GATES:

Entry gates, guard houses and decorative monuments, if proposed, must receive Detail Site Plan approval from the appropriate Planning Commission or prior to the issuance of a building permit. Entry gates are anticipated at the stub street locations along the west and south boundaries of the subdivisions.

Stub streets from adjacent subdivisions will be terminated with an appropriate vehicular turn around on the public side of the gates. The turnaround will meet the standards of the fire department and /or provide adequate turn around without backing out of the stub street or using private driveways.

**SIGNS:**

Entry identification signs shall be permitted with a maximum display surface area of 48 square feet of display surface area on each side of the entrance from East 101<sup>st</sup> Street South and 48 square feet of display surface area on each side of the entrance from South 129<sup>th</sup> East Avenue. The total entry identification signage at each such entry will not exceed 96 square feet of display surface area.

**VEHICULAR ACCESS AND CIRCULATION:**

Entry into Rabbit Run will be via East 101<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue.

Within the subdivision, access will be by private streets. Ownership of the private streets will be transferred to the home owners association. After transfer, the private streets will be maintained by the home owners association.

**PEDESTRIAN ACCESS:**

Sidewalks will be constructed on both sides of the private streets. The locations shown on the Access and Circulation Plan attached hereto as Exhibit "C" do not completely show the sidewalk system however it does provide a general outline of the anticipated trail system in the green space.

**LANDSCAPING AND SCREENING PLAN:**

The Project will be extensively landscaped and will be screened by a 6 foot high decorative screening wall on the north boundary along East 101<sup>st</sup> Street South, on the East boundary along South 129<sup>th</sup> East Avenue, on the commercial area along the north and east boundary lines and a 6 foot wood screening fence along the west and south boundary lines as shown on the Landscaping and Screening Plan attached hereto as Exhibit "D".

**ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY:**

Rabbit Run is an undeveloped property with significant vegetation including large trees and a large creek that extends from South 129<sup>th</sup> East Avenue to the western property boundary. The area on the north side of the creek drains from northeasterly to the south and the area on the south side of the creek drains from the southeasterly direction north to the creek. Runoff from this site discharges to the west into a platted reserve area within Southern Trails Estates.

The Project soil composition consists of variable classifications with mostly silt loams or silty clay loams. These soils are sufficient for residential type construction.



**DRAINAGE AND UTILITIES:**

Storm water detention will be provided on-site within a platted Reserve Area located around the creek area. Electric, cable and gas are readily available to the site with service coming from the platted subdivisions to the south and west. Water line and sanitary sewer service will be provided by the City of Broken Arrow with service coming also from the south and west existing facilities.\*

The Existing and Proposed Utilities are shown on Exhibit "E" attached hereto.

*\*Water, sanitary sewer and stormwater facilities will be designed and constructed to the standards of the City of Broken Arrow. No water, sanitary sewer or stormwater facilities will be constructed within the Project without the approval of the Director of Development Services of the City of Broken Arrow or his successor.*

**EXISTING ZONING AND LAND USE:**

Rabbit Run is currently zoned RS and RM-O.

An Area Zoning Map, Exhibit "F", shows the existing zoning and the proximity of Rabbit Run and an Aerial Photograph – Land Uses, Exhibit "G", shows the uses of the property within the vicinity of the Project.

**SITE PLAN REVIEW:**

No building permit will be issued until a subdivision plat, which will serve as the site plan, is approved and filed of record with the Tulsa County Clerk.

The neighborhood signage and all common area lighting will require Site Plan approval through the Tulsa Metropolitan Area Planning Commission.

**SCHEDULE OF DEVELOPMENT:**

Initial construction is anticipated to commence in the Spring of 2015, once the PUD and subdivision plat have been completed and approved. It is anticipated that the initial Tulsa County PUD will be abandoned when the project is annexed into the City of Broken Arrow. At that time the City of Broken Arrow will require a new Planned Unit Development that may modify some of the development standards contained in this Tulsa County PUD 822.

**NEIGHBORHOOD IDENTIFICATION SIGN AND LIGHTING:**

Neighborhood identification signage and lighting is expected as part of the screening and entry features. Concept plans have not been prepared for this portion of the PUD submittal however any lighting and signage will meet the minimum standards for the current City of Broken Arrow Zoning Code.

**DETAILED STAFF RECOMMENDATION:**

PUD-822 is consistent with the City of Broken Arrow Comprehensive Plan Land Use classification system and;

The development standards defined herein are consistent with the PUD chapter in the Tulsa County zoning code and;

The developer, project engineer, project attorney have expressed a desire to annex this property into the City of Broken Arrow and are working with Broken Arrow to insure that the development standards on all levels of planning and engineering are compatible with Broken Arrow standards in anticipation of future annexation procedures and;

The proposed project is consistent with the expected development of the proximate properties therefore;

Staff recommends **APPROVAL** of PUD-822 as outlined in Section I above.

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

*Staff Summary: This site is part of a 40 acre parcel that has never been annexed and is completely surrounded by the City of Broken Arrow and is included in their Comprehensive Plan. This project will ultimately be served by City of Broken Arrow services.*

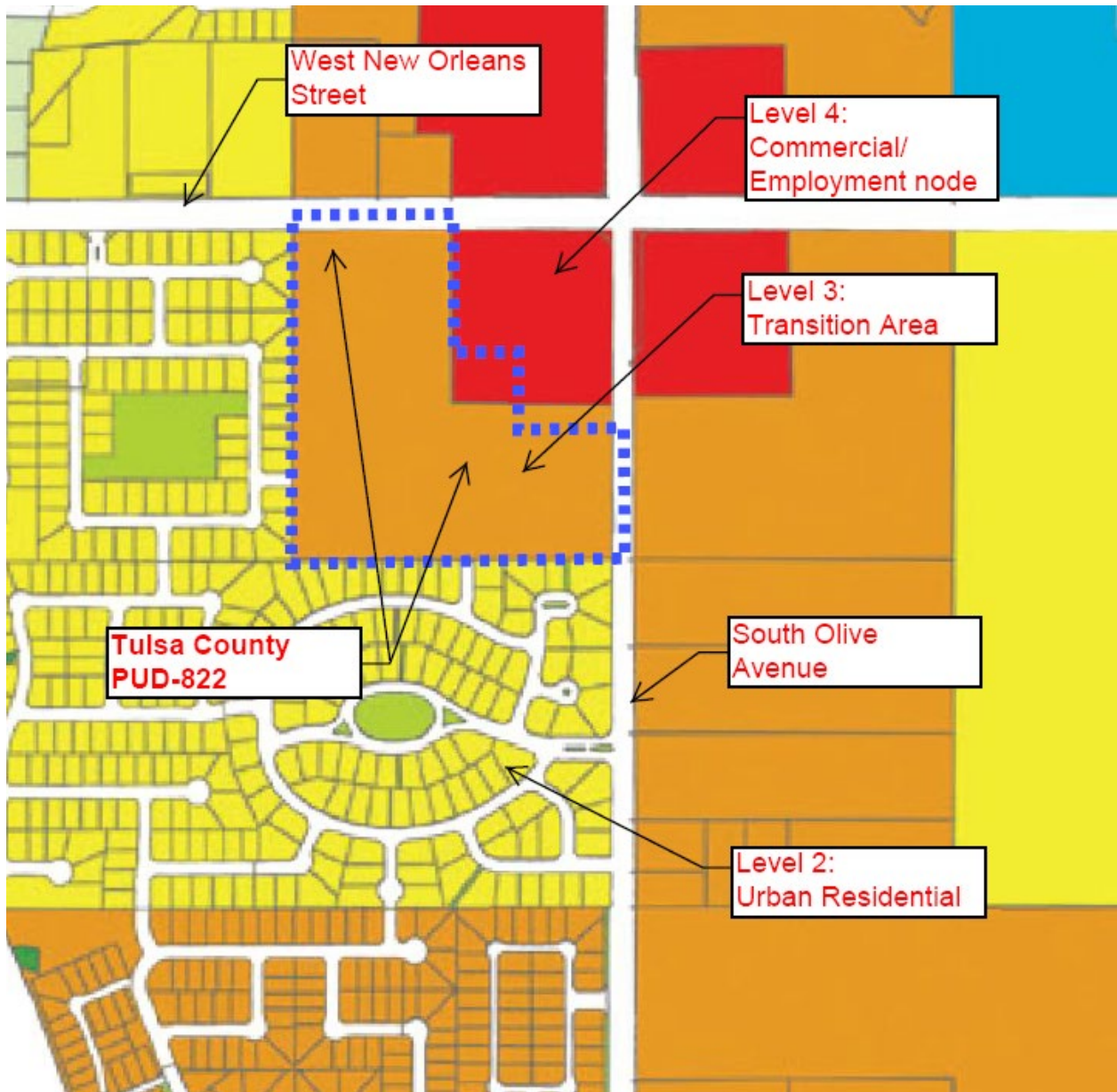
**Land Use Vision:**

The City of Broken Arrow Comprehensive plan illustrates this area as being in the Transition area at the edge of a Commercial/Employment node.

The Transition Area (Level 3) generally allows development that is compatible with both the single-family residential development on the west and south and the Commercial and Employment none to the north and east. That land use can allow multi family, office and other uses that

generally provide a lower density land use as development patterns extend away from the higher intensity node at the intersection.

### Broken Arrow Comprehensive Plan Land Use Designations



*Land Use Plan map designation:* Broken Arrow Comprehensive Plan Land Use Designations

#### Level 4: Commercial/Employment Node

Land Use Intensity Level 4 represents the typical local commercial and office intensity of land use in Broken Arrow. The Level 4 classification generally designates commercial or office activities

that have developed in notes around arterial street intersections. Examples of uses would include free-standing commercial buildings, small-scale shopping centers, and office developments permitted in Level 3. No residential uses are permitted within Level 4.

#### Level 3: Transition Area

Single-family residential districts are possible and multifamily residential districts are allowed as defined on the Land Use Intensity System Zoning District Table. Land Use Intensity Level 3 represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for Level 3 are higher density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and planned office parks.

#### Transportation Vision:

*Major Street and Highway Plan:* The Tulsa Metropolitan area major street and highway plan illustrates Olive and New Orleans as part of the basic transportation system for arterial street standards. During the development of this project specific details for appropriate connections from private to public streets will be determined by the developer in agreement with City of Broken Arrow standards.

*Trail System Master Plan Considerations:* None

Small Area Plan: None in Tulsa County or in Broken Arrow

#### Special District Considerations:

This City of Broken Arrow will ultimately require annexation or some form of agreement prior to allowing the developer to connect to the public street system or the public utilities. During the technical advisory committee meeting Broken Arrow representatives were present and established the beginnings of a working relationship with the County Engineer. Both agreed that this project was consistent with the anticipated future growth in this area and were in agreement to make sure that all development would meet City of Broken Arrow Engineering and planning standards.

Historic Preservation Overlay: None

## DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is heavily wooded and surrounded on the west and south with single-family residential neighborhoods. The significant environmental features are the existing tree canopy and creek on the site. The density of the neighborhood will destroy many of the trees however the plan is sensitive to maintaining as much of the natural character of the creek area as possible after utility and trail construction.*

### Environmental Considerations:

The site is bisected by a significant natural creek flowing from east to west that will be preserved as green space. Site plan development for street configuration and lot placement allow significant green space for the future enjoyment of the residence in this neighborhood.

### Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 129 <sup>th</sup> East Avenue (South Olive Ave.)	Secondary Arterial	100 feet	2
East 101 <sup>st</sup> Street (West New Orleans St.	Primary Arterial	120 feet	2

### Utilities:

The subject tract **does not have** municipal water and sewer available. The City of Broken Arrow will require annexation or some other agreement to allow utility service connections. The details will be worked out during the subdivision plat process. During the technical advisory committee meeting staff from INCOG, Tulsa County engineering, City of Broken Arrow development services, the applicant, project engineer and project attorney were all in agreement that the utility and street infrastructure system would work together to provide site utilities, stormwater drainage and pavement systems that could be ultimately annexed into the City of Broken Arrow meeting all City of Broken Arrow Engineering Standards.

Surrounding Properties: The subject tract is abutted on the north by a mix of PUD 75 and A-1 zoning classification, on the east by A-1 zoning, and on the west and south by existing single-family residential subdivisions zoned RS-2 and R-2.

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

**ZONING RESOLUTION:** Resolution number 104827 dated September 16, 1983, established zoning for the subject property.

**Subject Property:**

**CZ-85 September 1983:** All concurred in approval of a request for rezoning a 40± acre tract of land from AG to CS/ RM-0/ RS for commercial and residential uses, on property located on the southwest corner of E. 101<sup>st</sup> St. and S. 129<sup>th</sup> E. Ave. and also known as part of the subject property.

Mr. Wilkerson stated that the subject property is a 40 acre parcel that is completely surrounded by the City of Broken Arrow, but has never been annexed by the City of Broken Arrow. The general concept for the project is consistent with the Broken Arrow Comprehensive Plan and staff has met with the City of Broken Arrow and generally everyone involved is confident that this project is suitable for this part of Tulsa County. All of the utilities around the subject property are in the City of Broken Arrow and maintained by the City of Broken Arrow and unless this subject property has some type of connection agreement or annexation, they will not be able to develop the subject property because they wouldn't have utilities. Mr. Wilkerson stated that there hasn't been time to go through the annexation and rezoning request through Broken Arrow and so the developer has chosen to put together a PUD that supports the subject project with the full understanding that all of the engineering standards and planning decisions will be consistent with the City of Broken Arrow. Everyone is aware and has agreed that this project is an acceptable use of the Comprehensive Plan for Broken Arrow and consistent with the existing neighborhood pattern. Staff is comfortable recommending approval of this with the caveat that the future development pattern still has to go through the Broken Arrow process.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, stated that he is in agreement with staff's recommendation. He explained that he has discussed this recently with the City of Broken Arrow. Mr. Reynolds stated that he has one proviso and that is to allow the sidewalk on one side of the street as the City of Broken Arrow allows within a PUD.

Mr. Wilkerson stated that if this were in Tulsa it wouldn't be allowed to have only one sidewalk on one side of the street. Mr. Wilkerson suggested that framing this by stating that for any reason this stays in Tulsa County that sidewalks on both sides of the street remain, but if it moves into Broken Arrow, then their standards will prevail.

Mr. Reynolds stated that he would agree with Mr. Wilkerson's suggestion on the sidewalks.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to recommend **APPROVAL** of PUD-822 per staff recommendation, subject to the proviso that if the subject PUD stays in Tulsa County, sidewalks on both sides of the street will be required and if the PUD is annexed into the City of Broken Arrow, then the City of Broken Arrow's standards will prevail, which will be determined at detail site plan.

**Legal Description for PUD-822:**

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE4 NE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE S 88° 31' 29" W, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 659.77 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING S 88° 31' 29" W, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 659.77 FEET, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE4 NE/4) AND THE NORTHEAST CORNER OF "SOUTHERN TRAILS ESTATES" A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA, RECORDED AS PLAT NO. 6060 IN THE OFFICE OF THE TULSA COUNTY CLERK; THENCE S 01° 17' 32" E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4), A DISTANCE OF 1321.49 FEET, TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE4 NE/4) AND THE SOUTHEAST CORNER OF SAID "SOUTHERN TRAILS ESTATES" AND A POINT ON THE NORTH LINE OF "NOTTINGHAM" A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA, RECORDED AS PLAT NO. 5303 IN THE OFFICE OF THE TULSA COUNTY CLERK; THENCE N 88° 32' 59" E, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4)

AND THE NORTH LINE OF SAID "NOTTINGHAM", A DISTANCE OF 1319.87 FEET, TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) AND THE NORTHEAST CORNER OF SAID "NOTTINGHAM"; THENCE N 01° 18' 24" W, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4), A DISTANCE OF 409.03 FEET; THENCE S 88° 32' 14" W, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4), A DISTANCE OF 448.00 FEET; THENCE N 01° 18' 24" W, PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER (NE/4), A DISTANCE OF 252.00 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4); THENCE S 88° 32' 14" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4), A DISTANCE OF 211.85 FEET, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4); THENCE N 01° 17' 58" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4), A DISTANCE OF 660.89 FEET, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4) AND THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 27.4412 ACRES / 1,195,345.03 SQUARE FEET.

\* \* \* \* \*

32. **PUD-717-A – Sack & Associates, Inc./ Ted Sack**, Location: South of southwest corner of East 116<sup>th</sup> Street and North 44<sup>th</sup> East Avenue, requesting a PUD Major Amendment to Abandon portions of PUD-717 (Tract B-1), **IL/PUD-717 to IL/PUD-717-A**, (County)

**STAFF RECOMMENDATION:**  
DEVELOPMENT CONCEPT:

The applicant is proposing to abandon a portion of PUD-717. A lot split has been applied for to create Tracts B-1 and B-2 from the existing Tract B. This proposal abandons PUD-717 for Tract B-1 only. Tract B-2 is to remain within the existing PUD.

A minor amendment has been applied for to reallocate the floor area that is allowed for Tract B within PUD-717 to reduce the allowable floor area within B-1 to 0 SF and to allocate the allowed 35,000 SF to new Tract B-2.



The applicant has applied for a lot combination to combine Tract B-1 with the adjacent Tract to the North, Tract C as shown on the applicant's exhibit included with this report. This proposed lot combination is the reason behind abandoning the PUD within Tract B-1 as combining a lot outside of a PUD with a lot within a PUD is not allowed.

**PUD-717 Abandonment Development Standards:**

All existing Development Standards within the remaining portions of PUD-717 shall remain in effect, including minor amendment PUD-717-2 if approved.

**DETAILED STAFF RECOMMENDATION:**

Staff recommends **Approval** of PUD-717 abandonment as outlined in Section I above.

**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.

**DESCRIPTION OF EXISTING CONDITIONS:**

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North 41 <sup>st</sup> East Avenue	N/A	N/A	2

**Surrounding Properties:** The subject tract is abutted on the east by a storage facility, zoned IL; on the north by a single-family residence, zoned AG; on the south by farm land, zoned AG; and on the west by vacant land, zoned AG.

**SECTION III: Relevant Zoning History**

**ZONING RESOLUTION:** Resolution number 198944 dated August 22, 2005 (PUD-717), and number 192098 dated February 23, 2004 (CZ-333), established zoning for the subject property.

***Subject Property:***

**PUD-717 August 2005:** All concurred in approval of a proposed Planned Unit Development on a 22± acre tract of land for commercial and storage use, per conditions, on property located on the southwest corner of East 116<sup>th</sup> Street North and U.S. Highway 75.

**CZ-333 January 2004:** A request to rezone a tract of land from AG to IL or CG was filed. Staff recommended denial of both the IL and the CG as the property was designated as a Corridor Intensity- Agricultural district. The request was amended by the applicant and all concurred in approval to rezone the north 660 feet to IL, leaving the southern portion of the tract AG on property located on the southwest corner of East 116<sup>th</sup> Street North and U.S. Highway 75. (Related to PUD-717)

***Surrounding Property:***

**CZ-421 June 2013:** All concurred in approval of a request for rezoning a 6± acre tract of land from AG to IL for highway maintenance facility for Tulsa County, on property located south of southwest corner of North Yale Avenue and East 116<sup>th</sup> Street North.

**CZ-386 August 2007:** The staff and TMAPC recommended for denial of a request for rezoning a 10± acre tract of land from AG to IL for farm equipment sales on property located south of the southeast corner of East 116<sup>th</sup> Street North and North Yale Avenue and abutting south of subject property. The applicant appealed it to the County Commissioners and they approved the application for IL zoning.

**CZ-351 April 2005:** Staff and TMAPC concurred in denial of a request for rezoning a 12.49± acre tract of land from AG to IH, but approval of IL on property located on the southeast corner of U.S. Highway 75 and East 116<sup>th</sup> Street North. The Board of County Commissioner's however, approved IH zoning.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to recommend **APPROVAL** of the major amendment for PUD-717-A per staff recommendation.

**Legal Description for PUD-717-A:**

A TRACT OF LAND THAT IS PART OF LOT 2 IN BLOCK 1 OF "75 NORTH CENTER" A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NUMBER 5934 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N 01°26'00" W ALONG THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET; THENCE S 88°34'32" W AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 2 FOR 654.51 FEET; TO THE "POINT OF

BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 88°34'32" W FOR 144.49 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 2; THENCE S 88°34'32" W ALONG SAID SOUTHERLY LINE FOR 457.63 FEET TO THE SOUTHWEST CORNER OF LOT 2; THENCE N 01°24'11" W ALONG THE WESTERLY LINE OF LOT 2 FOR 570.10 FEET TO THE NORTHWEST CORNER OF LOT 2; THENCE S 83°50'37" E ALONG THE NORTHERLY LINE OF LOT 2 FOR 607.14 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 98.51 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 262,516 SQUARE FEET OR 6.0265 ACRES, Tulsa County, State of Oklahoma

\* \* \* \* \*

## **OTHER BUSINESS**

**33. Commissioners' Comments:** None.

\* \* \* \* \*

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

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Millikin, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Dix, Reeds, Walker "absent") to **ADJOURN** TMAPC meeting 2684.

## **ADJOURN**


There being no further business, the Chair declared the meeting adjourned at 5:05 p.m.

Date Approved:

11/5/14

  
Chairman

ATTEST:

  
Secretary