

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2687

Wednesday, December 3, 2014, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 26, 2014 at 1:34 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Director's Report:

Ms. Miller reported on the Zoning Code updates and activity on the City Council agenda.

1. **Minutes:**

Approval of the minutes of November 19, 2014 Meeting No. 2686

On **MOTION** of **LIOTTA**, the TMAPC voted 8-0-2 (Covey, Dix, Fretz, Liotta, Reeds, Shivel, Stirling, Walker “aye”; no “nays”; Carnes, Millikin “abstaining”; Midget “absent”) to **APPROVE** the minutes of the meeting of November 19, 2014, Meeting No. 2686.

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CONSENT AGENDA

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

2. **LC-625** (Lot-Combination) (CD-4) – Location: Northeast corner of West Archer Street and North Denver Avenue
3. **LS-20742** (Lot-Split) (CD-7) – Location: North and East of the northeast corner of East 47th Street South and South 103rd East Avenue
4. **LC-627** (Lot-Combination) (CD-4) – Location: East of the northeast corner of East 28th Street South and South Lewis Avenue
5. **PUD-578-A-7 – Acura Neon Inc./Yoko Lam**, Location: North of the northwest corner of South Memorial Drive and East 111th Street South, requesting a PUD Minor Amendment to allow a wall sign on north wall of Suite #113, **CS/RS-3/PUD-578-A**, (CD-8)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD Development Standards to allow a wall sign on the north wall of Suite #113.

The Development Standards currently state that no wall signs are permitted on west or north facing walls of buildings within the north 300 ft of the PUD.

The applicant has submitted this request in regards to a specific sign proposed to be installed for the tenant of Suite #113. If approved, this amendment would apply to only Suite #113 and any subsequent requests for signage on north elevations within the north 300 ft of the PUD would require additional minor amendment approval.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.12 PUD Section of the City of Tulsa Zoning Code.

“Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.”

The applicant has been notified that north of this site will ultimately develop commercially and the sign will have no visibility.

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 but should not be considered as setting precedence for future signage along the north facing wall of the existing building in this PUD.
- 2) The request is limited to the north wall of Suite #113.
- 3) All remaining development standards defined in PUD-578-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow a wall sign on the north wall of Suite #113.

6. **PUD-646-4 – Sack & Associates, Inc./Ted Sack**, Location: North of the northeast corner of South Sheridan Road and East 111th Street South, requesting a PUD Minor Amendment to reduce rear yard from 25 feet to 11.5 feet and west side yard from 7.5 feet to 5.5 feet, **RS-1/PUD-646**, (CD-8)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD Development Standards to reduce the rear yard from 25 ft to 11.5 ft and west side yard from 7.5 ft to 5.5 ft.

The applicant has indicated that this request is due to the need to work with the topography of the lot associated with this request.

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) The neighborhood architectural committee has approved the proposed site design and yards.
- 3) All remaining development standards defined in PUD-646 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the rear yard from 25 ft to 11.5 ft and west side yard from 7.5 ft to 5.5 ft.

7. **PUD-636-B – JC Engineering, PC/Joe Kelley**, Location: North of the northwest corner of Highway 75 and West 81st Street, requesting a PUD Detail Site Plan for a new veterinary facility within the PUD, (CD-2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 2.3 Acre site in a Planned Unit Development for a new veterinary facility including one, one story building.

PERMITTED USES:

Uses as permitted by right within CS – Commercial Shopping Center District, excluding Use Unit 12A. The proposed veterinary facility is permitted as a matter of right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

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

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

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

LIGHTING:

Site lighting plans are provided. The plan illustrates a design that will meet the minimum standards outlined in the Planned Unit Development and in the Zoning Code. All building mounted lighting shall be shielded and designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in the adjacent residential area. Lighting fixtures shall face down and away from the residential area. Light levels shall not exceed zero foot candles at the north and west boundaries.

SIGNAGE:

The site plan illustrates wall and ground sign locations which require a separate permit. 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 sidewalks along West 78th Street South as well as internal pedestrian paths adjacent to the proposed 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-B**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

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

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

8. **PUD-810 – Impact Engineering & Planning/Kevin Vanover**, Location: Northeast corner of East 12th Street South and South Lewis Avenue, requesting a PUD Detail Site Plan for a new mixed-use building and micro brewery, **CH/IL/PUD-810**, (CD-4)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 0.3 Acre site in a Planned Unit Development for a new mixed use building and micro brewery including one, two story building.

PERMITTED USES:

Uses permitted by right Use Unit 14; Shopping goods and services, Use Unit 8; Multi family, but limited to the second floor of a mixed use building. Use Unit 11; Offices, Studios and Support Services Use Unit 12; Eating Establishments other than drive-in's, Use Unit 26; Limited to micro brewery with a production of less than 5,000 beer barrels annually. (No outside storage of any kind will be allowed for this use). The proposed mixed use building and micro brewery are permitted as a matter of right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

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

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

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

LIGHTING:

Site lighting plans are provided. The plan illustrates a design that will meet the minimum standards outlined in the Planned Unit Development and in the Zoning Code and shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting

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

SIGNAGE:

The site plan illustrates wall sign locations which require a separate permit. 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 proposed sidewalks along South Lewis Avenue and East 12th Street.

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-810**. 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 mixed use building and micro brewery.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** Items 2 through 8 per staff recommendation.

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

Mr. Covey announced that there are several requests for continuance and if there is no objections the requests for continuance will be done in one motion, except for the application that is requesting a continuance to January 7, 2014.

11. **PUD-410-B-1 – Sisemore Weisz & Assoc./Mark Capron**, Location: Southeast corner of South Yale Avenue and East 36th Street South, requesting a PUD Minor Amendment, (CD-5) (**Applicant is requesting a continuance to December 17, 2014**) (Related to PUD-410-B)
12. **PUD-410-B – Sisemore Weisz & Associates/Mark Capron**, Location: Southeast corner of South Yale Avenue and East 36th Street South, requesting a PUD Detail Site Plan, (CD-5) (**Applicant is requesting a continuance to December 17, 2014**) (Related to PUD-410-B-1)
13. **PUD-659-5 – Jeffrey D. Lower**, Location: West of the southwest corner of East 31st Street and South Utica Avenue, requesting a PUD Minor Amendment, (CD-9) (**Applicant has requested a continuance to December 17, 2014.**)
14. **Z-7288 – John Moody**, Location: North of the northeast corner of East 51st Street and South 177th East Avenue, requesting rezoning from **AG to RM-1**, (CD-6) (Related to PUD-825) (**Staff is requesting a continuance to December 17, 2014**)
15. **PUD-825 - John Moody**, Location: North of the northeast corner of East 51st Street and South 177th East Avenue, requesting a PUD, **AG to RM-1/PUD**, (Related to Z-7288) (CD-6) (**Staff is requesting a continuance to December 17, 2014**)

- 21. **Z-7264 – CBC Builds, LLC/Harry D. Grande Sr.**, Location: East of South Madison Avenue between 38th Place and East 39th Street, requesting rezoning from **RS-3 to RS-4**, (CD-9) (Continued from 5/21/14, 6/18/14 and 8/20/14)
- 22. **39th and Madison**, Preliminary Plat, Location: East of South Madison Avenue between 38th Place and East 39th Street, (CD-9) (Related to case Z-7264.and continued from same dates)

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** Items 11 through 15 and Items 21 and 22 to December 17, 2014.

- 17. **Z-7287 – City of Tulsa/Scott Vanloo**, Location: Northwest corner of East Pine Street and North 145th East Avenue, requesting rezoning from **AG/CH/IH to IL**, (CD-3)

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** Items 17, Z-7287 to January 7, 2015.

COMPREHENSIVE PLAN PUBLIC HEARING:

- 9. **CPA-30 – Tulsa Engineering & Planning/Tim Terral**, Location: South of southeast corner of East Admiral Place and South 145th East Avenue, requesting amendment to The Comprehensive Plan for an Employment land use designation, **AG to IL**, (CD-6) (Resolution) (Related to Z-7284) (Continued from 11/05/14)

STAFF RECOMMENDATION:

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT
REQUEST**

South of the SE/c corner of E Admiral Pl and S 145th E Ave
(CPA-30)

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>New Neighborhood</i>
Proposed Land Use: <i>Employment</i>
Location: South of the SE/c corner of E Admiral Pl and S 145th E Ave
Size: approx. 70.28 acres
Staff Recommendation: Approval

A. Background

The area that is subject to this Comprehensive Plan amendment application is located in an area in eastern Tulsa that has a significant amount of vacant/undeveloped land. Properties in this immediate area contain residential, and light industrial uses. The City Regulated and FEMA Floodplain Map dated March 31, 2013 illustrate that a portion of the subject tract is located in the City Regulated Floodplain. In conversations with INCOG staff, the applicant has stated that the Public Service Commission (PSO) will build a new office on the site and utilize the land for storage of equipment and facilities.

On September, 2014 the applicant submitted a rezoning application (Z-7284) from AG to IL on the 70.28 acre site to support development of a light industrial use. This site and the immediate surrounding area were designated as a *New Neighborhood, Existing Neighborhoods, and Employment* when the Comprehensive Plan was adopted in 2010.

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

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

“The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial

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

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

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

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

The 2006 East Tulsa Neighborhood Detailed Implementation Plan (Phase 2) designated the subject tract *Neighborhood* and provided the following recommendation:

The largely vacant and undeveloped property has high visibility with good access and enhanced access to U.S. 412 is needed. Should development of vacant and undeveloped property require new zoning, it is encouraged that the rezoning be coupled with a Planned Unit Development (PUD) when the property is adjacent to existing

and planned residential neighborhoods to help ensure appropriate protection and buffering of the neighborhoods.

C. Proposed Land Use Designations

The applicant is proposing to introduce an *Employment* land use on this 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.”

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3 and IL	<i>Employment</i>	Light Industrial and Single Family Residential
South	AG	<i>New Neighborhood</i>	Vacant/Undeveloped
East	IL	<i>Employment</i>	Vacant/Undeveloped
West	IL	<i>Employment</i>	S 145 th E Ave. then Light Industrial

E. Applicant’s Justification:

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area; and
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 proposed Comprehensive Plan Amendment is for a 70.2764 acre parcel located on the east side of South 145th East Avenue, roughly between East 2nd and 4th Streets South. This Comprehensive Plan Amendment request has been brought about due to the changes in the zoning surrounding the property in recent years. Currently the property is zoned AG (Agriculture) and delineated as a “New Neighborhood” on the Comprehensive Plan’s Land Use Plan. In 2005, the zoning surrounding the project site was predominately RS-3 (Residential Single-Family) to the north, with a small amount of IL (Industrial Light), RMH (Residential Mobile Home) to the northeast, AG to the east and south and IL west across South 145th East Avenue. Today, aside from the undeveloped AG zoning along the south boundary of the site, the zoning is primarily IL to the north, east and west, with a small amount of RS-3 abutting the northwestern portion of the site. Since the site is essentially surrounded on three sides by IL zoning, there is an application submitted concurrently with this Comprehensive Plan Amendment request for the re-zoning of the property to IL. In order for the IL zoning request to be allowed, the Comprehensive Plan must be amended to reflect a change from the “New Neighborhood” land use designation to the “Employment” land use designation on the Comprehensive Plan’s Land Use Plan. It is also important to note that the area surrounding the site, as well as almost the entire section, is designated as an Area of Growth on the Comprehensive Plan’s Growth and Stability Plan.

There are a number of benefits in developing this area at a higher intensity use. In addition to aligning the proposed IL zoning with the existing IL zoning east and west of the project site, the economic stimulus that would be provided by this proposed zoning change would have a positive impact on the immediate and surrounding areas, in terms of new jobs created, higher property tax revenues and potential new demand for housing. ”

F. Staff Response:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area:

The 2010 Comprehensive Plan designated the subject site *New Neighborhood* to support the then existing character and surrounding zoning of the area. In 2010 it appears that much land in the area was undeveloped and contained a mixture of zoning districts that included AG (Agricultural), RS-3

(Residential Single-Family), IL (Light Industrial), CG (Commercial General) and RMH (Residential Manufactured Home). However, there have been significant changes to surrounding land uses and zoning within the area. The changes in land use patterns and zoning are illustrated in Figure 1.

These changes were not anticipated in the adopted Comprehensive Plan and have substantially altered the basic character of the area at question. Today, much of the land north, east and west of the subject lot is zoned IL and contains light industrial uses and vacant/undeveloped lots. The *New Neighborhood* designation on this parcel may no longer be a suitable land use designation due to the growth of the light industrial industry in the area. The parcel is currently surrounded by IL zoning on three sides.

2. *How changes have impacted the subject site to warrant the proposed amendment:*

The *Employment* land use designation would be consistent with emerging growth and development patterns of the surrounding area. *Employment* areas, as defined in the Comprehensive Plan, require access to major arterials or interstates. *Employment* areas have few residences and typically have more extensive commercial activity.

The Major Street and Highway Plan (MSHP) designates the segment of S 145th E Ave abutting the subject lot as a Primary Arterial and E Admiral Place is designated as a Secondary Arterial; therefore, the *Employment* land use designation at this location would have appropriate access. There is one existing residential use located immediately north of the subject site, the remaining surrounding land uses include light industrial and vacant/undeveloped lots. The subject tract appears to be in accordance with the intent and character of the *Employment* land use designation outlined in the Comprehensive Plan.

There is always a concern of industrial zoning/uses located adjacent to existing or future residential areas. The area immediately south of the site is within an AG zoning district and has a *New Neighborhood* land use designation. Although the concurrent rezoning application for this property is for IL, without a proposed Planned Unit Development (PUD) to ensure design controls, the Zoning Code does require setbacks and buffering between industrial and residential properties. In addition, there are separation and screening requirements for the location of outdoor storage from residential districts. Therefore, such

regulations in addition to the physical constraints of floodplains located on the properties, can serve as the transition line between industrial and residential uses in this area. Additionally, during the plat process required after a rezoning, consideration will be given for an east west collector street near the south property line that could lead to appropriate edge treatment between the anticipated residential area and the light industrial zoning request.

3. *How the proposed change will enhance the surrounding area and the City of Tulsa:*

The applicant has stated that the proposed change will stimulate economic development, job growth and new demand for housing in the surrounding area. The proposed change is likely to further stimulate growth of the light industrial industry in the area which has the potential to create job growth. The land immediately south of the subject lot is designated *New Neighborhood*. However, if the subject lot is developed as proposed it is unlikely that new residences would develop south of the subject lot without proper buffering and screening.

Structures that may be constructed within the floodplain will be required to develop per the City's development regulations, which are consistent with, the local building code and other adopted regulatory agency codes that govern construction and development in a floodplain.

STAFF RECOMMENDATION

- Staff recommends **APPROVAL** of the *Employment* land use designation as submitted by the applicant.

Ms. Moye summarized the staff report and described the surrounding properties and their uses. Ms. Moye stated that the current Zoning Code requires setback regulations for IL zoning and screening between industrial properties and residential properties. Staff recommends approval based on the fact that this request is consistent with the emerging development pattern.

Mr. Dix stated that he felt Ms. Moye's presentation was very thorough.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the amendment to the Comprehensive Plan for an Employment land use designation for CPA-30 per staff recommendation.

PUBLIC HEARINGS:

10. **Z-7284 – Tulsa Engineering & Planning/Tim Terral**, Location: South of southeast corner of East Admiral Place and South 145th East Avenue, requesting rezoning from **AG to IL**, (CD-6) (Related to CPA-30) (Continued from 11/05/14)

STAFF RECOMMENDATION:

This site has been purchased by AEP Oklahoma Transmission Company for the purposes of construction of a new service center on the site which will include offices, service and maintenance buildings lay down yard and similar uses. No sub-station is being proposed for this site. The initial phase of the project is expected to be at the southwest corner of the property where a one story 60,000 square foot building will be constructed with offices near the west side of the building and warehouse storage further east.

DETAILED STAFF RECOMMENDATION:

The rezoning request is not consistent with the Land Use Vision of the Comprehensive Plan however the applicant has concurrently requested a change the land use designation from New Neighborhood to Employment. The site is surrounded on three sides with Employment and Industrial uses and is consistent with the expected development pattern in the area, and

The site is in harmony with the existing development areas north, west and east boundaries of the site however the anticipated development south of the site will continue to be a new residential neighborhood. There is always a concern of industrial zoning/uses located adjacent to existing or future residential areas. Although the concurrent rezoning application for this property is for IL, without a proposed Planned Unit Development (PUD) to ensure design controls, the Zoning Code does require setbacks and buffering between industrial and residential properties. In addition, there are separation and screening requirements for the location of

outdoor storage from residential districts. Future residential infill south of this request will affect the development standards on this site and staff strongly recommends placing outdoor storage and buildings in a location respectful of future residential development. Zoning Code regulations in addition to the physical constraints of floodplains located on the properties, can serve as the transition line between industrial and residential uses in this area, and

Additionally, during the plat process required after a rezoning, consideration will be given for an east west collector street near the south property line that could lead to appropriate edge treatment between the anticipated residential area and the light industrial zoning request, therefore

Staff recommends **APPROVAL** of Z-7284 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request from AG to IL is not supported by the Tulsa Comprehensive Plan current land use designation of New Neighborhood; however a concurrent request for an amendment to Employment has also been submitted by the applicant.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

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

The anticipated Employment vision for the area is Employment.

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

“Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.”

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 a 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: Near the south edge of this zoning request the Major Street and Highway plan contemplates a collector street. During the plat process a collector street will be required to provide access to the properties east of 145th East Avenue

Trail System Master Plan Considerations: None

Small Area Plan: (2006 East Tulsa Neighborhood Detailed Implementation Plan)

This site is included in the 2006 East Tulsa Neighborhood Detailed 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 however the Plan does provide the following recommendation: The largely vacant and undeveloped property has high visibility with good access and enhanced access to U.S. 412 is needed. Should development of vacant and undeveloped property require new zoning, it is encouraged that the rezoning be coupled with a Planned Unit Development when the property is adjacent to existing and planned residential neighborhoods to ensure appropriate protection and buffering of the neighborhoods.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This site is not significantly affected by the existing conditions on the property or the surrounding properties.

Environmental Considerations: City of Tulsa regulatory floodplain will affect the future development of the site and will provide opportunities for salvaging for some of the existing tree cover.

Streets:

<u>Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Existing on west boundary: South 145th East Avenue	Primary Arterial	120 feet	2
Future: Un-named east west street will be required during plat process	Residential / Industrial Collector	60 feet	None

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3 and IL	<i>Employment</i>	Light Industrial and Single Family Residential
South	AG	<i>New Neighborhood</i>	Vacant/Undeveloped
East	IL	<i>Employment</i>	Vacant/Undeveloped
West	IL	<i>Employment</i>	S 145 th E Ave. then Light Industrial. Originally developed for Albertsons Regional Distribution Center

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-6778 September 2000: Staff and TMAPC concurred in recommending approval of a request for rezoning a 70± acre tract of land from AG to RMH for a mobile home park, on property located South of southeast corner of E. Admiral Pl. & S. 145th E. Ave; also known as the subject property. The City Council denied the request.

Surrounding Property:

Z-7245 January 2014: All concurred in approval of a request for rezoning a 20± acre tract of land from RMH/CG to IL for a truck freight terminal, on property located east of southeast corner of East Admiral Place and South 145th East Avenue

Z-7173 August 2011: All concurred in approval of a request for rezoning a 2.5± acre tract of land from RS-3 to IL for a church and future industrial, on property located east of southeast corner of East Admiral Place and South 145th East Avenue

Z-7027 March 2006: All concurred in approval of a request for rezoning a 10± acre tract of land from RS-3 to IL for industrial uses, on property located east of the southeast corner of East Admiral Place and South 145th East Avenue.

Z-6665/ PUD-605 May 1999: A request to rezone a 20± acre tract from AG to IL and PUD for a mixed use development, on property located north of the northeast corner of East 11th Street South and South 145th East Avenue. Staff and TMAPC recommended approval subject to the PUD. City Council denied the request. The applicant appealed the decision to District Court and lost.

Z-6587/ PUD-560 May, 1997: All concurred in approval of a request for rezoning a 12.5± acre tract of land from AG to IL/PUD-560 to allow four development areas, three for light industrial development and one for a reserve area for a 100' stormwater drainage way in Development Area 4 and buffer for properties located to the west and including, on the west side of the tract, located west of the southwest corner of East Admiral Place and South 161st East Avenue.

Z-6644 July 1998: All concurred in approval of a request for rezoning a 119± acre tract from AG to IL for warehouse and distribution center located on the southwest corner of East Admiral Place and South 145th East Avenue and located west of subject property.

BOA-3110 November 12, 1958: The Board of Adjustment approved a Special Exception to permit a church in an RS-3 district, on property located east of southeast corner of East Admiral Place and South 145th East Avenue.

Mr. Wilkerson reiterated that the IL zoning requires a 200-foot setback from residentially zoned property for outdoor storage or it has to be screened. There is also a 75-foot building setback and the IL zoning offers a few protections for the anticipated single-family residential development on the south side of the subject property. Mr. Wilkerson cited the surrounding properties zoning and uses.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the IL zoning for Z-7284 per staff recommendation.

Legal Description for Z-7284:

A tract of land located in the S/2 of the NW/4 of Section 3, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Beginning at the west quarter corner of Section 3, T-19-N, R-14-E of the Indian Meridian; Thence N 00°00'10" W along the west line of the NW/4 of Section 3, a distance of 1326.08 feet to the northwest corner of S/2 of the NW/4 of Section 3; Thence S 89°53'09" E along the north line of the S/2 of the NW/4 of Section 3, a distance of 1978.61 feet to the northeast corner of the NW/4 of the SE/4 of the NW/4 of Section 3; Thence S 00°01'41" W along the east line of the NW/4 of the SE/4 of the NW/4 of Section 3, a distance of 663.31 feet to the southeast corner of the NW/4 of the SE/4 of the NW/4 of Section 3; Thence S 89°52'41" E along the north line of the SE/4 of the SE/4 of the NW/4 of Section 3, a distance of 659.42 feet to the northeast corner of the SE/4 of the NW/4 of Section 3; Thence S 00°02'17" W along the east line of the SE/4 of the SE/4 of the NW/4 of Section 3, a distance of 663.40 feet to the southeast corner of the SE/4 of the SE/4 of the NW/4 of Section 3 also being the center quarter corner of Section 3; Thence N 89°52'12" W along the south line of the NW/4 of Section 3, a distance of 2637.20 feet to the "Point of Beginning". Said tract contains 3,061,239 square feet or 70.2764 acres. The non-astronomic bearings for said tract are based on an assumed bearing of N 00°00'10" W along the east line of the NW/4 of Section 3, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

* * * * *

- 16. **LS-20733** (Lot-Split) (County) – Location: West of the southwest corner of East 161st Street South and South 161st East Avenue

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an existing AG (Agriculture) tract into four tracts. Three of the resulting tracts will meet the Bulk and Area Requirements of the Tulsa County Zoning Code. The fourth tract will exceed the Bulk and Area requirements of the Tulsa County Zoning Code.

Technical Advisory Committee met on November 6, 2014. The County Engineer stated the smaller three tracts were only two acres and should be 2.1 acres per the zoning code. The applicant made appropriate changes to increase the tract sizes.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

Applicant was not present.

INTERESTED PARTIES COMMENTS:

George Shafer, 15202 East 161st Street, Bixby, 74008, stated that he is the President and founder of a ministry called Eagle Mountain Ranch Ministry. Mr. Shafer indicated that the ministry property is to the west of the subject property. Mr. Shafer indicated that he is opposed to the subject lot-split. He explained that the ministry works with abused and dysfunctional families and kids. He further explained that he purchased the property to get away from the City. Mr. Shafer stated that he is concerned about a subdivision being adjacent to the ministry property since they work with dysfunctional young people. Mr. Shafer indicated that the ministry is a 21-year old ministry. Mr. Shafer expressed concerns with water pressure from a three-inch waterline in the subject area. Mr. Shafer submitted a letter of opposition from an adjacent neighbor (Exhibit A-1). Mr. Shafer concluded by stating that he fears that the subject application will be detrimental to his ministry.

Ron Shanks, 15303 East 161st Street South, Bixby, 74008, stated that he is opposed to the proposed lot-split. Mr. Shanks stated that he is concerned with the existing three-inch water line not being able to provide sufficient water pressure for the subject area with the additional development. Mr. Shanks indicated that the City of Bixby is not granting water taps in the subject area. Mr. Shanks stated that he has never been contacted by the applicant and he has never met him or spoken to him. Mr. Shanks further stated that none of his neighbors have met or talked with the applicant. Mr. Shanks expressed concerns with the possibility of mobile homes being place on the subject property or possibly an apartment.

In response to Mr. Covey, Ms. White explained that the applicant indicated to her that he would build a home on the back portion of the subject property for his residence and then later possibly build three homes on the three lots being requested. Ms. White stated that the applicant has drilled a water well to serve his residential home that he plans to build.

The Planning Commission expressed concerns that the applicant is not present and that he hasn't met with the neighbors to address their concerns.

Mr. Liotta stated that there are too many unknowns with this application.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **2-8-0** (Dix, Reeds "aye"; Carnes, Covey, Fretz, Liotta, Millikin, Shivel, Stirling, Walker "nays"; none "abstaining"; Midget "absent") to **DENY** the waiver of the Subdivision Regulations that no lot have more than three side lot lines and the lot-split for LS-20733.

Motion Failed.

TMAPC Action; 10 members present:

On **MOTION** of **LIOTTA**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** LS-20733 to December 17, 2014 and requested that the applicant meet with the neighbors and attend the December 17th meeting.

Mr. Wilkerson stated that he would be presenting Items 18 and 19 together.

18. **Z-7289 – Roy D. Johnsen**, Location: Northeast corner of South Trenton Avenue and East 13th Street, requesting rezoning from **RM-2 to OMH**, (CD-4) (Related to PUD-728-B)

STAFF RECOMMENDATION:

The applicant has submitted a rezoning request for part of PUD 728-B. The request will provide the appropriate zoning area required for the floor area proposed as part of a new facility for Parkside. The rezoning does not include all of the existing Parkside PUD and will not include all of the proposed PUD 728-B amendment.

DETAILED STAFF RECOMMENDATION:

This analysis has been provided in conjunction with PUD 728-B. OMH zoning without a PUD overlay is not consistent with the Tulsa Comprehensive Plan or with the vision of the Utica Midtown Corridor Small area Plan, however

In conjunction with PUD 728-A the zoning request in case Z-7289 is consistent with the applicable small area plans, and

Z-7289 in conjunction with PUD 728-A is consistent with the anticipated surrounding development in the area, and

Staff recommends Approval of Z-7289 to rezone property from RM-2/PUD-728 to OMH/PUD-728.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The rezoning request to change the underlying zoning to OMH is not completely consistent with the Comprehensive Plan primarily because of the unlimited height that is allowed with straight zoning.

Office Medium–High intensity District (OMH) allows some uses by Special Exception including Use Unit 16, (Mini storage) and Use Unit 19 (Hotel, Motel and Recreational Facilities) that are not consistent with the vision of the Comprehensive Plan. Use Unit 10 (Off Street Parking Areas) as a principal use is allowed by right however that is not part of the vision of the comprehensive plan.

The small area plan recommends a maximum height of 8 stories and the accompanying PUD will provide height limitations that are within that standard. The PUD will also provide use limitations that complement the Tulsa Comprehensive Plan and the Utica Midtown Corridor Small Area Plan.

The Small Area Plan recognizes this site as a mixed use infill area which should include store front and active pedestrian realm provisions that are outlined in the MX-1 zoning district. OMH zoning does not provide that sense of space in the public realm. The PUD is not likely to provide that design standard for the proposed new building.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

on-street and in shared lots. Most Regional Centers include a parking management district.

Areas of Stability and Growth 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:

The Utica Midtown Corridor Small Area Plan includes the following map that recognizes future locations for on street trail systems with recommended locations for pedestrian enhancements.

Small Area Plan: Utica Midtown Corridor Small Area Plan

The site is included in the Utica Midtown Corridor Small Area Plan and is very briefly summarized as follows in the plan:

“The UMC-North area is a special place, one ripe with opportunities due to its location and existing assets. On way to enhance these

assets is through urban design. Good urban design includes aesthetic considerations of both public and private property in order to achieve a distinctive sense of place. A sense of place is achieved over time through incremental and consistent changes to the built environment essential urban design elements than can help UMC-North to reinforce its sense of place include”:

- Transparency and Active Uses
- Shade
- Lighting
- Streetscape
- Open Spaces
- Signage
- Parking Lot Location
- Buffering and Screening

The small area plan recommends the following components as part of this infill project.

- Recommends a mixed use development strategy with a building height limit of up to 8 floors at this location.
- On-street bike trail is planned on north side of site along East 12th Street South
- Street trees suggested in all locations but specifically identified on both sides of East 12th Street south and on South St. Louis Street.
- Pedestrian Scale lighting is recommended.
- Multiple bus route connections are already in place. Provide secure and easily access to those existing connection points. Access can be provided for vehicular connections, bike ways and pedestrian paths.

Z-7289 and PUD-728-B are both in the north part of the Utica Midtown Corridor Small Area Plan:

Special District Considerations: None except as noted in the Small Area Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site for Z-7289 is primarily vacant with surface parking on the north end of the site. There are no known existing conditions that would affect future development.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Trenton Avenue	No Designation	50 feet	2
East 13 th Street	No Designation	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by existing hospital uses, surface parking and a public park, zoned RM-2; on the north Hillcrest Hospital Complex zoned OMH, OH and CH; on the south by single family residential and multifamily residential that has been recently removed, zoned RM-2; and on the west by a mix of single family and multifamily, zoned RM-2

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 22319 dated November 8, 2010 and 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property:

PUD-728-A November 2010: All concurred in approval of a proposed Major Amendment to PUD on a 1± acre tract of land to add hospital use (Use Unit 5) within Area One of PUD-728 on property located on the southwest corner of East 12th Street and South Trenton Avenue.

PUD-728 May 2006: All concurred in approval of a proposed Planned Unit Development on a 4.03± acre tract of land for office, hospital, residential treatment center and transitional living center and off-street parking uses, on property located east and west sides of South Trenton Avenue between East 12th Street and East 13th Street and a part of the subject property.

BOA-20198 February 2006: The Board of Adjustment denied multiple requests for Special Exceptions to permit off-street parking, residential treatment & transitional living center and to have those uses within ½ mile of other such facilities AND multiple requests for Variances of setbacks,

screening, minimum lot size, of minimum frontage requirements all to permit the expansion of the existing facility. The Board denied these requests finding that this was not the correct venue and that a PUD should be required on subject property.

Surrounding Property:

PUD-772 October 2009: All concurred in approval of a proposed Planned Unit Development on a 4.81± acre tract of land for a three-story, 129 unit elder/retirement housing, assisted living and memory care development, on property located between East 13th Street and East 13th Place and between South Trenton Avenue and South Utica Avenue.

BOA-12021 June 1982: The Board approved a *Variance* of the setback of 25' from abutting R districts and of the floor area ratio of .5; and a *Variance* of the height restriction and the side yard requirement; and a *Variance* for off-site parking and loading berths, to be approved as requested, per plot plan, and as advertised, and only applying to the area shown on the plot plan, and that the lot in question on St. Louis Avenue marked as future parking lot would be presented to the Board at a later time before any action is taken on that lot; located at 1620 East 12th Street.

Related to Z-7289:

19. **PUD-728-B – Roy D. Johnsen,** Location: West and east of South Trenton Avenue, north of East 13th Street, requesting a PUD Major Amendment to allow additional floor area for the new hospital construction, **RM-2 to OMH/PUD,** (CD-4) (Related to Z-7289)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT AND PROJECT HISTORY:

The Tulsa Psychiatric Center owns and Parkside operates numerous significant mental health programs in Tulsa.

In 1993, the City of Tulsa Board of Adjustment in Case No. 16435, approved the use of a then existing building at 1220 South Trenton for the Tulsa Center for Children and Adolescent Residential Treatment.

In 2006, the need for additional space resulted in the subsequent filing of Planned Use Development No. 728 (“PUD 728”) to permit the expansion of the existing building at 1220 South Trenton to permit an increase of patient capacity from 16 beds to 40 beds.

PUD 728 was recommended by the Tulsa Metropolitan Area Planning Commission on April 5, 2006, and approved by the Tulsa City Council on April 27, 2006.

The Tulsa Psychiatric Center, pursuant to the approved PUD 728, proceeded with the required platting of the property which was dedicated as "Parkside" and was recorded in the Tulsa County Clerk's Office on August 29, 2006 (the Parkside Plat is attached within Exhibit 2). Within the Deed of Dedication of the Parkside Plat, two development areas were established as Block 1 setting forth Lot 1 and Lot 2 (west of Trenton) and Block 2 setting forth Lot 1 and Lot 2 (east of Trenton). Development Standards for Lot 1, Block 1 included:

Permitted Uses

Use permitted as a matter of right in the OM – Office Medium District, Use Unit 2, Residential Treatment Center and Transitional Living Center only, Use Unit 11, Off-Street Parking and uses customarily accessory to permitted uses shall be permitted.

As demand increased for hospital use within the Residential Treatment Center and Transitional Living Center located within Lot 1 Block 1 Parkside, PUD 728-A was filed July 29, 2010 and sought that hospital use be permitted within Lot 1, Block 1, which upon hearing was recommended by the Tulsa Metropolitan Area Planning Commission on September 7, 2010 and approved by the Tulsa City Council on October 14, 2010 and reads as follows:

Permitted Uses

Principal uses permitted as a matter of right in the OM District, Use Unit 2, Residential Treatment Center and Transitional Living Center only, Use Unit 5, Hospital only, Use Unit 11, Off-Street Parking and uses customarily accessory to permitted uses.

Demand has substantially increased for additional hospital space and PUD 728-B has been submitted to provide for additional building space (within Lot 1 and Lot 2, Block 2 Parkside, and to add additional land to the existing Parkside development in order to achieve sufficient parking and landscaping. The Conceptual Site Plan is attached as Exhibit 1.

Concurrently, an application has been filed to rezone Lot 1 and Lot 2, Block 2 (70,021 square feet of land owned by the Tulsa Psychiatric Center) from RM-2 Residential Multifamily District to OMH Office Medium-High Intensity District which will permit the required floor area within PUD 728-B as intended for the development of the new hospital (70,021 SF x Floor Area Ratio of 2.0 = 140,042 SF)

PUD-728-B DEVELOPMENT STANDARDS:

1. The existing Administration Building (9300 SF) within Lot 2, Block 1, will be removed and parking and landscaping will comprise the permitted uses within Lot 2.
2. Additional land (0.44 acres) has been acquired and extends from the south boundary of Lot 2 to 13th St. and parking and landscaping will comprise the permitted uses within the additional land.

	<u>PUD 728</u>	<u>PUD 728-B</u>
3. Maximum Floor Area	52,500 SF	120,000 SF
4. Maximum Building Height	60 FT	80 FT
5. Building Setbacks		
South Boundary, Lot 1, <u>Block 2</u>	10 FT	-0-
North Boundary, Lot 2, <u>Block 2</u>	3 FT	-0-
East 13 th St., Lot 2, <u>Block 2</u>	20 FT	10 FT

6. Parking – PUD 728

PUD 728 sets forth the following provision pertaining to required parking: “Off-Street Parking shall be provided as required by the applicable Use Unit of the Tulsa Zoning Code”.

7. Parking – PUD 728-B

After in house and project architects studies, including actual counts of existing parking use, and review of future parking needs based on expected additional staff and patients, Parkside Inc. has determined that 215 spaces is a reasonable minimum parking requirement. The proposed spaces are depicted within the Conceptual Site Plan. As an alternative, if additional spaces should subsequently be needed, it is proposed that the landscaped area depicted within Lot 2, Block 1, and the acquired land (0.44 acres) adjoining Lot 2, Block 1 may be reduced subject to compliance with the landscaping provisions of the Tulsa Zoning Code and subject to detailed site plan approval.

Parking that is accessory to the hospital use may be located on any lot within the boundary of the PUD and all of the buildings occupied Tulsa Psychiatric Center may use parking anywhere in the PUD.

Bicycle parking will be provided to support 6 bicycles with appropriate storage and locking opportunities. Bicycle storage may occupy one vehicular parking space.

8. Development Standards of PUD 728 and PUD 728-A shall remain effective, excepting the modifications approved within PUD 728-B.

Landscaping:

All landscaping will meet or exceed the minimum standards identified in the Landscape Chapter of the Tulsa Zoning Code.

In addition to the standards identified in the Landscape Chapter of the Tulsa Zoning Code, trees will be planted adjacent to all public streets right of ways and adjacent to all alleys. Trees will be planted within 12 feet of the street right of way or alley. The minimum tree size at planting will be 12' tall with a minimum caliper of 2.5 inches.

The tree quantity will be calculated based on the frontage of the public street right of way. One tree will be placed for each 40 feet of frontage. The trees may be equally spaced or grouped.

VEHICULAR ACCESS AND CIRCULATION:

Vehicular access will be provided through the existing neighborhood street network. The Alleys will also be used for access to the proposed new hospital and the existing offices inside the campus.

PEDESTRIAN ACCESS:

Improvements to the pedestrian system will be provided throughout the PUD area. The conceptual plan illustrates the sidewalk improvements. New sidewalks will be constructed and improvements will be made to provide ADA compliance and improved access to existing bus routes.

PLATTING REQUIREMENT:

Major amendments to the PUD require a plat or plat waiver.

EXPECTED SCHEDULE OF DEVELOPMENT:

Construction is expected to begin within the first quarter of 2015. The building permit office may require completion of the plat or a lot combination where a new building is crossing an existing lot line.

NEIGHBORHOOD IDENTIFICATION SIGN AND LIGHTING:

All lighting shall be directed down and/or away from adjacent properties. The maximum height of any exterior fixture shall not exceed 20 feet from the ground below the fixture whether building mounted or pole mounted.

DETAILED STAFF RECOMMENDATION:

The requested PUD is consistent with the Tulsa Comprehensive plan vision of a Regional Center however it is not completely consistent with the Utica Midtown Corridor Small area plan with respect to the MXI-1 district recommendation. The PUD amendment provides some design components recommended in the small area plan including street tree placement, lighting standards, sidewalk improvements, and parking lot location, and

PUD 728-B is consistent with the stated purposes of the PUD chapter of the Tulsa Zoning Code, and

PUD 728-B is consistent with the expected development of surrounding properties, and

The proposed expansion of Tulsa Psychiatric Hospital outlined in PUD 728-B is consistent with the anticipated development pattern in the neighborhood, therefore

Staff recommends **APPROVAL** of PUD-728-B as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The land use and bulk and area requirements included in the requested PUD 728-B is generally consistent with the comprehensive plan and the small area plan.

The small area plan recommends a maximum height of 8 stories and the accompanying PUD will provide height limitations that are within that standard. The PUD will also provide use limitations that

complement the Tulsa Comprehensive Plan and the Utica Midtown Corridor Small Area Plan. The underlying zoning includes RM-2, PK and OMH. Office Medium–High intensity District (OMH) allows some uses by Special Exception including Use Unit 16, (Mini storage) and Use Unit 19 (Hotel, Motel and Recreational Facilities) that are not consistent with the vision of the Comprehensive Plan. Use Unit 10 (Off Street Parking Areas) as a principal use is allowed by right however that is not part of the vision of the Comprehensive Plan and will not be part of this project. Only surface parking as an assessor use the Hospital will be allowed.

The Small Area Plan recognizes this site as a mixed use infill area which should include store front and active pedestrian realm provisions that are outlined in the MX-1 zoning district. OMH zoning does not provide that sense of space in the public realm. The PUD does not prohibit that type of development however the user is not likely to provide that design standard for the proposed new building.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth 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:

The Utica Midtown Corridor Small Area Plan includes the following map that recognizes future locations for on street trail systems with recommended locations for pedestrian enhancements.

Small Area Plan: Utica Midtown Corridor Small Area Plan

The site is included in the Utica Midtown Corridor Small Area Plan and is very briefly summarized as follows in the plan:

“The UMC-North area is a special place, one ripe with opportunities due to its location and existing assets. One way to enhance these assets is through urban design. Good urban design includes aesthetic considerations of both public and private property in order to achieve a distinctive sense of place. A sense of place is achieved over time through incremental and consistent changes to the built environment essential urban design elements that can help UMC-North to reinforce its sense of place include”:

- Transparency and Active Uses
- Shade
- Lighting
- Streetscape
- Open Spaces
- Signage
- Parking Lot Location
- Buffering and Screening

The small area plan recommends the following components as part of this infill project.

- Recommends a mixed use development strategy with a building height limit of up to 8 floors at this location.
- On-street bike trail is planned on north side of site along East 12th Street South
- Street trees suggested in all locations but specifically identified on both sides of East 12th Street south and on South St. Louis Street.
- Pedestrian Scale lighting is recommended.
- Multiple bus route connections are already in place. Provide secure and easily access to those existing connection points. Access can be provided for vehicular connections, bike ways and pedestrian paths.

Z-7289 and PUD 728-B are both in the north part of the Utica Midtown Corridor Small Area Plan:

Special District Considerations: None except as noted in the Small Area Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site for PUD 798-B includes vacant property, surface parking and buildings that will be demolished as part of the new facility. There are no known existing conditions that would affect future land development.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Trenton Avenue	No Designation	50 feet	2
East 13 th Street	No Designation	50 feet	2

Alley:

Part of the alley between South Trenton and Utica has been vacated however the plan will keep the existing alley and surface parking east of the new hospital will provide a connection to that alley.

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by existing hospital uses, surface parking and a public park, zoned RM-2; on the north Hillcrest Hospital Complex zoned OMH, OH and CH; on the south by single family residential and multifamily residential that has been recently removed, zoned RM-2; and on the west by a mix of single family and multifamily, zoned RM-2

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 22319 dated November 8, 2010 and 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property:

PUD-728-A November 2010: All concurred in approval of a proposed Major Amendment to PUD on a 1± acre tract of land to add hospital use (Use Unit 5) within Area One of PUD-728 on property located on the southwest corner of East 12th Street and South Trenton Avenue.

PUD-728 May 2006: All concurred in approval of a proposed Planned Unit Development on a 4.03± acre tract of land for office, hospital, residential treatment center and transitional living center and off-street parking uses, on property located east and west sides of South Trenton Avenue between East 12th Street and East 13th Street and a part of the subject property.

BOA-20198 February 2006: The Board of Adjustment denied multiple requests for Special Exceptions to permit off-street parking, residential treatment & transitional living center and to have those uses within ½ mile of other such facilities AND multiple requests for Variances of setbacks, screening, minimum lot size, of minimum frontage requirements all to permit the expansion of the existing facility. The Board denied these requests finding that this was not the correct venue and that a PUD should be required on subject property.

Surrounding Property:

PUD-772 October 2009: All concurred in approval of a proposed Planned Unit Development on a 4.81± acre tract of land for a three-story, 129 unit elder/retirement housing, assisted living and memory care development, on property located between East 13th Street and East 13th Place and between South Trenton Avenue and South Utica Avenue.

BOA-12021 June 1982: The Board approved a *Variance* of the setback of 25' from abutting R districts and of the floor area ratio of .5; and a *Variance* of the height restriction and the side yard requirement; and a *Variance* for off-site parking and loading berths, to be approved as requested, per plot plan, and as advertised, and only applying to the area shown on the plot plan, and that the lot in question on St. Louis Avenue marked as future parking lot would be presented to the Board at a later time before any action is taken on that lot; located at 1620 East 12th Street.

Mr. Wilkerson explained that he added some clarification to the PUD on pages 19.3 and 19.4. Mr. Wilkerson stated that with these two clarifications the zoning and the PUD are in conformance with the Comprehensive Plan and consistent with the development pattern of the subject area. Mr. Wilkerson stated that there have been some homes demolished since the small area plan was developed and in the near future there may need to be an amendment to the small area plan to accommodate new development that will be happening between the Broken Arrow Expressway and the subject property on the south end. The single-family type of uses that were being protected no longer exists and the subject project has no affect on the vacant land that is there now.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that staff has done a very good job with this application. Mr. Johnsen stated that the demand for this type of facility is what has brought this application before the TMAPC today. The rezoning application was filed to have sufficient floor area. Mr. Johnsen introduced Debra Moore, CEO of Parkside, stated that she came up with the required parking after studying the practice and system.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the OMH zoning for Z-7289 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-728-B per staff recommendation.

Legal Description for Z-7289:

LTS 1-2, BLK 2, PARKSIDE, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Legal Description for PUD-728-B:

Lots 1 and 2, Block 1, and Lots 1 and 2, Block 2, Parkside, **AND** The South 10 feet of Lot 35, and all of Lots 36 and 37, Block 6, Forest Park Addition and the vacated West 10 feet of South Trenton Avenue adjacent to the above described South 10 feet of Lot 35 and all of Lots 36, and 37. **AND** Lots 38, 39, and 40, Block 6, Forest Park Addition, and the vacated West 10 feet of South Trenton Avenue adjacent to the above described Lots 38, 39 and 40., City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

- 20. **Z-7290 – Matt King**, Location: East of northeast corner of West Archer Street and North Denver Avenue, requesting rezoning from **IL to CBD**, (CD-4)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant has requested a rezoning from IL to CBD for redevelopment of an existing building for a retrofit of an existing building. This lot is surrounded by CBD in all directions.

DETAILED STAFF RECOMMENDATION:

The requested CBD zoning is consistent with the Downtown Neighborhood vision of the Comprehensive Plan which includes the Downtown Master Plan.

The requested rezoning is non injurious to the proximate properties and consistent with the anticipated development of the surrounding properties.

Staff recommends **APPROVAL** of Z-7290 to rezone property from IL to CBD.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is within the inter dispersal loop in an area that historically has been considered the Central Business District. The existing structures appear to have been constructed as part of a small industrial facility. This particular project will renovate that building into a more appropriate use in the rapidly evolving Brady

District. Central Business District zoning will prohibit future industrial uses except that light manufacturing uses may be used when allowed by the Board of Adjustment through the Special Exception process defined in the Zoning Code. This rezoning request complements the vision identified in the Downtown Tulsa Master Plan.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

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

Areas of Stability and Growth designation: 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:

All streets surrounding this block are Commuter Streets. The vision for those streets and are included in the Downtown Master Plan and include a broad mix of public transit, pedestrian and vehicular uses.

Trail System Master Plan Considerations: None

Small Area Plan: Downtown Master Plan

Staff Summary: Rezoning the site from IL to CBD is consistent with the vision of the Downtown Master Plan adopted by City Council in July 2010.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is an industrial/warehouse site and surrounded by a wide mix of Central Business District uses including an electrical substation and 1920's style industrial/manufacturing buildings. This site is within one block of a planned rail / transit system included in the Downtown Tulsa Master Plan. There is nothing in this rezoning request that will complicate that rail or any other concept illustrated in the Downtown Plan.

Site Analysis: The subject property is approximately 1± acre in size and is located north of the railroad tracks three blocks north of the BOK center. The property appears to be unoccupied and is zoned IL. A small area of IL zoning will remain on the remainder of the block when this project is rezoned. CBD zoning does not indirectly affect the remaining IL zoned property

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Archer Street	Downtown Collector	Existing 80'	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on all sides by property zoned Central Business District (CBD) except one very small IL parcel south across Archer Street.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Many rezoning actions in the downtown area since 1980 have involved rezoning to the CBD designation.

There have been many rezoning actions in the downtown area since 1980 that involved rezoning to CBD designation. The pattern of redevelopment for those entire zoning request have been consistent with the Tulsa Comprehensive Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the CBD zoning for Z-7290 per staff recommendation.

Legal Description for Z-7290:

E50 LT 4 & W10 VAC ALLEY ADJ ON E BLK 38, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS

23. Commissioners' Comments: None.

TMAPC Action; 10 members present:


On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **ADJOURN** TMAPC meeting 2687.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:28 p.m.

Date Approved:

12-17-2014


Chairman

ATTEST: 
Secretary