

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2698

Wednesday, May 20, 2015, 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	Walker	Fernandez	VanValkenburgh, Legal
Covey		Foster	Southern, COT
Dix		Hoyt	
Fretz		Huntsinger	
Liotta		Miller	
Midget		Wilkerson	
Millikin			
Reeds			
Shivel			
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 14, 2015 at 4:10 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: Mr. Covey reported that he was notified that the Zoning Code update almost finished with the public comments and that period is about to close. A member of the Tulsa Planning staff has requested that the Planning Commission to hold a separate night meeting to hear input on that issue. Mr. Covey polled the Planning Commissions for their thoughts on a night meeting.

Mr. Reeds stated that he would support an evening meeting in order to make sure the bases are covered. Mr. Carnes stated that he can remember one in the past and it brought out all the crazies. Mr. Fretz stated that he would attend an evening meeting. Ms. Millikin indicated that she would support an evening meeting. Mr. Dix stated that he would do whatever the rest of the Commissioners want to do, but he believes it leads down a slippery-slope to think that the Planning Commission will start having special night meetings for every

little thing that comes up. Mr. Dix further stated that he personally would rather not have a night meeting since the PC meetings are published and the times are published and it might become confusing. Mr. Stirling stated that generally he would be in support of it as long as it isn't setting a precedent for other things. Mr. Midget stated that he thinks that for the Zoning Code update a night meeting would be a good idea, but he doesn't want to set a precedent. Mr. Covey thanked everyone for their input and will get back with a time and date.

Mr. Covey reported that today is Commissioner Mark Liotta's last day on the Planning Commission. Mr. Liotta is going to bigger and better things in Oklahoma City. Mr. Covey and Ms. Miller presented a Certificate of Appreciation for his six years of service on the TMAPC. Mr. Covey stated that he has enjoyed having Mr. Liotta on the Planning Commission. Mr. Covey commented that Mr. Liotta is an eloquent speaker and brings wisdom that he doesn't always see. Mr. Covey stated that one of the best lines he remembers hearing Mr. Liotta say is the "you didn't buy the view". Mr. Covey thanked Mr. Liotta for his service and wished him the best of luck in his near future endeavors.

Mr. Liotta stated that he has been fortunate over the years to serve on a lot of boards and commission, both at the State level, County level and at the City level. This is by far the most professionally staffed and professionally run Commission he has ever served on. Mr. Liotta stated that he has learned a lot and one of the joys of this Commission is that it isn't a City Commission and it's not a County Commission, but is a joint Commission and that ensures that politics really isn't a part of what we do here. Mr. Liotta commented that he has appreciated that the independence of this body is appreciated by both the City and the County to keep politics out of the decisions have been taken advantage of. Mr. Liotta encouraged the Planning Commission to keep doing what they are currently doing, because they are doing really good work for everyone in Tulsa County. Mr. Liotta reiterated for everyone's benefit as they look at future issues, that when one purchases a piece of property they do not purchase the view of the neighbor's property, one doesn't buy the shade of the neighbor's trees and one doesn't buy a guarantee that their property values will be maintained. Mr. Liotta stated that the Planning Commission does protect the rights of all citizens, both the property owner and their neighbors and the interests of the neighbors are also very important. Mr. Liotta commented that he knows that each of the Planning Commissioners know this and exercise it, but it is good for the citizens to know it is a high priority. Mr. Liotta thanked the Planning Commission for the experience and he will miss the Board. [Applause]

Work Session Report: Mr. Covey stated that there will be a work session immediately following today's meeting.

Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of April 2015. The receipts are consistent with the receipts from April 2014. Ms. Miller indicated that activity in the office has increased since March.

Ms. Miller reported on the City Council agenda.

Ms. Miller indicated that Mr. Wilkerson is participating on an update for the Airport Master Plan and their first meeting was yesterday.

Ms. Miller reported that the public review process for the Zoning Code update will officially close on June 5, 2015 at 5:00 p.m. At that time, the consultant will take those comments and review them with some type of response for all the comments and then finalize a draft for Planning Commission review. Possibly have a work session July 15th to discuss the proposed changes and then a public hearing in August sometime.

Ms. Miller reported that the City of Tulsa will be updating the Subdivision Regulations very soon. Kirk Bishop will be the consultant for this and it is a joint City/County Subdivision Regulations.

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CONSENT AGENDA

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

1. **LC-661** (Lot-Combination) (CD 2) – Location: Southwest corner of East 81st Street South and South Florence Avenue
2. **LS-20780** (Lot-Split) (County) – Location: South of the southwest corner of West Skyline Drive and South 65th West Avenue
3. **LC-663** (Lot-Combination) (CD 2) – Location: Southwest corner of East 83rd Street South and South Lewis Avenue
4. **LC-664** (Lot-Combination) (CD 1) – Location: Northwest corner of Mohawk Boulevard and North Utica Avenue (Related to LS-20784)
5. **LS-20784** (Lot-Split) (CD 1) – Location: Northwest corner of Mohawk Boulevard and North Utica Avenue (Related to LC-664)

6. **PUD-810-1 – Kevin Vanover, P.E.**, Location: Northeast corner of South Lewis Avenue and East 12th Street South, requesting a PUD Minor Amendment to modify Development Standards to revise screening fence requirements and allow a single 20-foot recycling trailer screened from public view, **CH/IL/PUD-810**, (CD-4)

STAFF RECOMMENDATION:

Amendment Request: To modify Development Standards to revise the screening fence requirement and allow a single 20ft recycling trailer screened from public view.

The current Development Standards of PUD-810 require a wood screening fence with brick columns and cast stone caps approximately 8 ft on center and not less than 8 ft in height along the entire north and east boundaries and along those parts of the west and south boundaries not enclosed by the building or being driveway.

The applicant is proposing to revise the required spacing of the brick columns to 20 ft on center and to eliminate the columns on the eastern boundary.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.13 PUD Section of the City of Tulsa Zoning Code.

“Modifications to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.”

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-810 shall remain in effect.

With the considerations listed above, staff recommends **APPROVAL** of the minor amendment request to revise the screening fence requirement and allow a single 20ft recycling trailer screened from public view.

7. **PUD-817-1 – David A. Peck**, Location: Southeast corner of East 4th Street and South Madison Avenue, requesting a PUD Minor Amendment to modify Development Standards to add Use Units 12A & 20 with both

uses limited to a microbrewery and uses customarily accessory thereto, **IL/PUD-817**, (CD-4) **WITHDRAWN**.

8. **PUD-809-1 – Barnard Trace, LLC/Lindsay Perkins**, Location: West of South Lewis Avenue, between East 17th Street and East 17th Place, requesting a PUD Minor Amendment to modify Development Standards to allow a five foot fence along East 17th Place and 25 feet running north/south at the southeast and southwest corners, **RS-3/PUD-809**, (CD-4)

STAFF RECOMMENDATION:

Amendment Request: To modify Development Standards to allow a 5 ft fence along 17th Place and 25 ft running North/South at the SE and SW corners.

Per the City of Tulsa Zoning Code Section 210.B.3, fences in the required front yard are limited to 4 ft in height. There is a substantial height difference between the front yards of the homes along 17th Place and the grade of the street below. Due to this height difference, the applicant is proposing to increase the height of the fence in the required front yard to 5 ft in order to provide a measure of safety.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.13 PUD Section of the City of Tulsa Zoning Code.

“Modifications to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.”

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-809 shall remain in effect.

With the considerations listed above, staff recommends **APPROVAL** of the minor amendment request to modify the Development Standards to allow a 5 ft fence along 17th Place and 25 ft running North/South at the SE and SW corners.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the consent agenda for Items 1 through 6 and Item 8 per staff recommendation.

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

Mr. Covey stated that he would like to consider continuances first: Items 14 and 15 are requesting a continuance to June 17, 2015.

- 14. **LS-20781** (Lot-Split) (CD 6) – Location: East of the southeast corner of East Admiral Place and South 166th East Avenue (Related to: LC-662) **(Applicant requested a continuance to June 17, 2015)**

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, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** LS-20781 to June 17, 2015.

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- 15. **LC-662** (Lot-Combination) (CD 6) – Location: East of the southeast corner of East Admiral Place and South 166th East Avenue (Related to: LS-20781) **(Applicant requested a continuance to June 17, 2015)**

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, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** LC-662 to June 17, 2015.

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16. **Crosstown Learning Center** – Minor Subdivision Plat, Location: East of the northeast corner of East Archer Street and South Lewis Avenue, (CD 3) **(Staff requests a continuance to June 3, 2015)**

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, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** the minor subdivision plat for Crosstown Learning Center to June 03, 2015.

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17. **Mayra's Addition** – Minor Subdivision Plat, Location: East of the northeast corner of East 21st Street South and South Memorial Drive, (CD 5) **(Staff requests a continuance to June 3, 2015)**

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, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** the minor subdivision plat for Mayra's Addition to June 03, 2015.

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Mr. Covey announced that Item 20, PUD-168-10, has been withdrawn.

Items 9, 10 and 11 are related Items:

COMPREHENSIVE PLAN PUBLIC HEARINGS

(And Related Zoning Applications):

9. **CPA-33 – Roy D. Johnsen**, Location: One half mile south of East Admiral Place, east of South 145th East Avenue, requesting Amendment to The Comprehensive Plan for Land Use Designation from “New Neighborhood” to “Employment” on approximately 20 acres (CD-6) (Continued from May 6, 2015) (Related to Z-7301/PUD-833)

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>New Neighborhood</i>
Proposed Land Use: <i>Employment</i>
Location: ½ mile south of E Admiral Pl and east of S 145th E Ave
Size: approx. 20 acres
Staff Recommendation: Denial

A. Background

The area that is subject to this Comprehensive Plan amendment application is located in eastern Tulsa where as properties in the immediate area contain undeveloped agricultural zoned land, residential, and light industrial uses. On 05.12.99 the TMAPC recommended that the City Council approve rezoning application Z-6665/PUD-605 to rezone the subject lot from AG to IL. The rezoning application Z-6665/PUD-605 was denied by the City Council on 07.08.99. The decision of the City Council was appealed and the Tulsa County District Court ruled in favor of the City.

There were two primary land uses assigned to this immediate area in the 2010 Tulsa Comprehensive Plan: an *Employment* land use designation north to I-44; and *New Neighborhood* land use designation to the south, west and east. The City Council approved a Comprehensive Plan amendment from *New Neighborhood* to *Employment* on the AEP-PSO site immediately north of the subject lot in early 2015; AEP-PSO is currently in the process of developing office space and a storage yard on the site. The site immediately north of the Pawnee Industrial site is recognized as the southern edge of the employment designation in this area.

The E Admiral PI and S 145th E Ave corridor north of this site has had a significant amount of light industrial development since 2010; however the area still contains a significant amount of large vacant undeveloped lots. The City Regulated and FEMA Floodplain Map dated March 31, 2013 illustrate that the southwest corner of the subject tract is located in the City Regulated Floodplain.

On March 26, 2015 the applicant submitted a rezoning application (Z-7301) from AG to IL on the 20 acre parcel to support development of a light industrial use. The applicant has also submitted PUD 833 in support of the proposal. The applicant has stated that the subject lot will be developed as the Pawnee Industrial Park. As shown on the attached conceptual plans the development will consist of two warehousing buildings and a storage yard.

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) provided the following statement about the subject tract (See Figure 1): *“The largely vacant and undeveloped property; zoning maps indicate mostly agricultural with some residential single-family; multiple private ownership; located in the upper reaches on Cooley Creek watershed; has high visibility with good access; improved roadway and enhanced access to U.S. 412 is needed.”*

The 2006 East Tulsa Neighborhood Plan provided the following recommendation for vacant undeveloped lots: 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 neighborhood.

The East Tulsa Neighborhood Plan does not provide a land use recommendation for the subject tract nor does it provide recommendations for the planning area south and west of the Pawnee Industrial site. However, the 2010 Comprehensive Plan designates the subject tract and the much of the planning area to the east, west and south as New Neighborhood.

As shown in Figure 2 the East Tulsa Neighborhood Plan indicates that the planning area immediately west of the subject tract is suitable for mixed-use development.

The proposed Pawnee Industrial Park is not compatible with the recommended development patterns for the subject lot and planning areas on the west, east and south. The proposed light industrial/employment

land use designation encroaches into planned residential neighborhoods and it does not provide the step down in land use intensity necessary to buffer and protect future residential neighborhoods east and south of the Pawnee Industrial site.

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	IL	Employment	Proposed Light Industrial
South	AG	New Neighborhood	Vacant/Undeveloped
East	AG	New Neighborhood	Vacant/Undeveloped
West	AG	New Neighborhood	Vacant/Undeveloped

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:

“This 20 acre tract of land is proposed to be developed as an industrial park. An application to rezone the tract of land from AG to IL has been applied for concurrently with the Comprehensive Plan Amendment application.

Existing conditions in this general area have been swaying toward industrial and employment developments. A recent Comprehensive Plan Amendment was approved on the neighboring property to the north to amend the property previously identified as Neighborhood to Employment which would be consistent with industrial zoning.

Property located on the south side of Admiral is heavily industrial zoned, and now with the approval of the 40 acre tract to employment, the designation reaches this 20 acre tract. Also on the west side of 145th Street there is existing industrial developments to the half section line.

Currently there is a proposal to construct a large commercial development west of this property at Admiral and I44 that is proposed to extend from 129th East Avenue to 145th Street. Part of this commercial development shows a collector road along the half section line starting at 129th East Avenue then turns toward the south due to floodplain where it connects to 145th Street.

The proposed intersection of the collector road and 145th Street is located at this property’s (Pawnee Industrial Park) south property line. It is ideal for the collector road to continue to the east at this point which would create a natural divider between employment designation and neighborhood designation.

With the development of the large proposed commercial development at Admiral and I44 with a collector street reaching to S. 145th East Avenue, the creation of a boundary between neighborhood and employment, continued industrial development along Admiral Place and existing floodplain the conditions of the area has changed and this proposal of 20 acres of industrial fit into the new boundaries of employment development that are naturally forming in this area of east Tulsa.

Industrial development will bring in new companies and jobs to this area of Tulsa. This development will also provide infrastructure extensions to the north and east that will assist in further developments. This development

will also provide Right of Way for a collector street that will be required for any type of future development east into the Section.”

Staff Response:

The *2010 Comprehensive Plan* designated the subject tract and much of the surrounding area New Neighborhood because there is a significant supply of vacant buildable land suitable for residential development; and it was compatible to the then existing residential character and surrounding zoning of the area.

In 2010 it appears that much of the land along the E Admiral PI and S 145th E Ave corridor 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). There have been significant changes to the surrounding land uses and zoning within the area (See Figure 3). The changes illustrated in Figure 3 were not anticipated in the adopted Comprehensive Plan and have altered the character of the area to the north of the subject site.

Today, there is a uniform pattern of *Employment* land use designation along the E Admiral Place and S 145th E Avenue corridor that extends north of E Admiral PI and stops at the north boundary line of the subject tract (See attached Land Use Map).

The AEP-PSO site immediately north of the subject tract was recently rezoned from AG to IL; to support the rezone the designated land use was amended from New Neighborhood to Employment. During the platting process the AEP-PSO site is required to dedicate 60 ft right-of-way for a collector road along the south boundary line of the site (north boundary line of the Pawnee Industrial Site).

The Tulsa Zoning Code establishes separation and screening requirements on industrial sites when adjacent to residential districts. These Regulations and the physical constraints of the floodplain and potential collector road along the southern boundary of the AEP-PSO site can serve as a buffer/transition between existing industrial/employment land uses on the north and anticipated residential on the subject lot (Pawnee Industrial Site) and further south.

The applicant has stated that there is a proposal to construct a collector road from the half section line starting at 129th East Avenue then turning toward the south due to the floodplain where it connects to S 145th E Ave (See Figure 4). Figure 4 illustrates that the proposed intersection of the collector road and S 145th E Ave is located at the south property line of the subject lot (Pawnee Industrial Park).

The collector road is a part of the proposed East Tulsa Outlet Mall project west of the subject lot at Admiral and I-44. The proposed collector road extends from 129th East Avenue to 145th E Ave. The applicant has utilized shifting the proposed collector road associated with the East Tulsa Outlet Mall project south of the Pawnee Industrial site as a justification for the proposed amendment (See Figure 4). However, the specific location of the collector road has not yet been determined.

The Major Street and Highway Plan shown in Figure 5 illustrates that the proposed residential collector road will intersect S 145th E Ave at the north property line of the Pawnee Industrial Park site. The residential collector street illustrated on the Major Street and Highway Plan is not the only suitable roadway route in the undeveloped areas surrounding the subject lot; however, the applicant has not provided Staff with any information showing that the City of Tulsa supports shifting the proposed collector south of the Pawnee Industrial Site. In addition, the proposed collector road location identified in Figure 4 conflicts with the location of the right-of-way (for roadway purposes) that the AEP-PSO site to the north is required to provide as a part of their project.

The requested land use amendment for the 20 acre parcel is consistent with the growth of the industrial/employment industry north of the site. However, the proposal does not appear to be suitable for or consistent with the larger planning area east, west and south of the Pawnee Industrial site. Current and future residential uses to the south and east could be compromised by further expansion of industrial into this area.

The subject lot is currently designated New Neighborhood by the 2010 Comprehensive Plan. The applicant has not provided sufficient justification of why the New Neighborhood designation is no longer suitable for the subject tract.

STAFF RECOMMENDATION

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

Ms. Moye summarized the staff recommendation and reiterated that staff is recommending denial of the Comprehensive Plan amendment.

10. **Z-7301 – Roy Johnsen**, Location: One half mile south of East Admiral Place, east of South 145th East Avenue, requesting rezoning from **AG to IL**, (CD-6) (Continued from May 6, 2015) (Related to CPA-33/PUD-833)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

The zoning request did not include a development concept however the accompanying PUD concept defines the intent of the project. The following concept was provided for a description of the project.

Planned Unit Development Number: ("PUD-833") is a new industrial development.

PUD-833 is comprised of 20 acres.

The project is located a half mile south of E. Admiral Place on the east side of S. 145th East Avenue (the "Project").

The Conceptual Site Plan for the Project is shown on Exhibit "A".

An Aerial Photograph of the area land uses around the Project is shown on Exhibit "B".

The Project will be a new industrial park to house two (2) large tilt up office / warehouse buildings and a storage yard.

Access to the Project will be from two driveways off of S. 145th East Avenue.

The Conceptual Circulation Plan for the Project is attached hereto as Exhibit "C".

The existing zoning for the Project is shown on the Zoning Map attached hereto as Exhibit "E".

The property is currently zoned AG and an application has been submitted to rezone the property to IL in conjunction with this PUD.

Development of this PUD requires a change to the Comprehensive Plan and rezoning. Currently the site is designated as Neighborhood and zoned AG. The proposed change to the Comprehensive plan is to Employment and rezone to IL. There are many existing factors that support this change which are shown on Exhibit "D".

Currently there is heavy industrial development on the south side of E. Admiral Place to the half section line, which is the Project's north property line. The property adjacent to the north has recently been rezoned to IL to allow an AEP Service Yard project. The trend is industrial or commercial development continuing south to E. 11th Street. Also a small area plan was developed on the west side of S. 145th East Avenue which shows property to be mixed use development across for the Project.

There are developers looking at developing between 129th Street and 145th Street for commercial development. Two main factors of this development which affect this Project is the location of their proposed collector road and the City of Tulsa Regulatory Floodplain. The Master Street Plan recommends that the collector be placed at the half section line. For this section that location doesn't fit well. There is an existing driveway on the west side of S. 145th Street just north of the half section line that would be in too close proximity of the collector road. Also there is Regulatory Floodplain through this area that naturally diverts the road to the South. A conceptual site plan has been proposed reflecting the proposed alignment of the collector road.

With the collector road shifting to the South it starts to act as a natural buffer between Industrial / Employment Area and Residential / Neighborhood Area. With the Project being located on the north side of the collector road it allows this property to be considered to be rezoned with the use of this PUD.

The purpose of Planned Unit Development No. 833 is to establish the Development Standards and conditions necessary to ensure compatible development of the proposed industrial service use with the surrounding undeveloped tracts of land. The project will consist of two buildings, associated parking lot and storage yard. Development of the PUD and the location of the buildings have been designed around providing an adequate buffer to the south and east.

DETAILED STAFF RECOMMENDATION:

CZ-7301 request IL zoning and has been reviewed in conjunction with PUD-833 and Comprehensive Plan amendment request CPA-33. IL zoning alone is not consistent with the New Neighborhood land use designation of the Comprehensive Plan. IL zoning is the appropriate underlying zoning for PUD 833 however staff has recommended denial of that PUD, and

CZ-7301 is not compatible with the existing zoning pattern surrounding the property on the east, south and west boundaries of the request however, it is compatible with the IL zoning on the north side of the site, and

IL zoning would be injurious to the anticipated residential property east, south and west of the site therefore

Staff recommends **DENIAL** of Z-7301 to rezone property from AG/ to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation is a New Neighborhood. The proposed land use for the related Comprehensive Plan amendment (CPA-33) is Employment. The project is not consistent with the New Neighborhood vision and the concurrent Comprehensive Plan revision (CP-33) is not supported by staff. There no impact on the Transportation Vision.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Proposed Land Use Plan map designation: 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 general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan:

South 145th East Avenue does not have a multi modal designation. The 120 foot right of way requirement for the site will meet the transportation vision for this area if the property is developed with a residential, industrial, office or commercial use. All rezoning request will require dedication of the street right of way during the plat process.

The east west collector street will be required somewhere near this location. The developers of this site must coordinate with the City and adjacent land owners to identify the location of the required collector street.

Trail System Master Plan Considerations: None

Small Area Plan: (East Tulsa Neighborhood Plan.)

The East Tulsa Neighborhood plan illustrates this site as part of a largely vacant undeveloped property with development potential. There are no recommended land uses for this site with that plan. The recommendation for development in this area suggested that 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.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is gently sloping and is suitable for large warehouse office development contemplated with this PUD. Significant environmental obstacles are not anticipated for this or any future development.

Topography:

The Project site contains a gentle slope across, sloping from 748 at the eastern boundary down to 723 on the western boundary.

The Topography, Conceptual Drainage and Utility Plan are shown on Exhibit "G".

Utilities:

Presently there is an existing waterline on the east side of S. 145th East Avenue.

Regarding sanitary sewer service, an existing 8" sanitary sewer line is located on the east side of S. 145th East Avenue.

Other utilities, including electric, gas, telephone and cable television, are either currently available to the site or can be readily extended to serve the Project as needed.

Drainage:

There is City of Tulsa Regulatory Floodplain on the western portion of the site which will be placed in an Overland Drainage Easement.

Presently, the entire site drains from east to west to an existing culvert under S. 145th East Avenue. All runoff associated with the

Project will be collected in a storm sewer system and discharged into an on-site detention pond which will regulate the runoff to the existing culvert.

All project civil engineering plans, inclusive of storm sewer design, will require review and approval by the City.

Soils:

The site soils are comprised mostly of silty loam. Soils will be stabilized in areas of parking lot and building construction in accordance with geotechnical report recommendations.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 145 th East Avenue	Primary Arterial	120 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by vacant land, zoned AG; on the north by undeveloped property owned by AEP/PSO, zoned IL; on the south by vacant land, zoned AG; and on the west by vacant land, zoned AG.

SECTION III: Relevant Zoning History

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

Subject Property:

Z-6665/ PUD-605 May 1999: A request was made 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. Subsequent to the City Council Denial the applicant sought to enjoin the enforcement of AG zoning of the property at District Court. The District Court, in a decision that was upheld on appeal, enjoined the enforcement of AG zoning of the property and found that the City should determine the appropriate zoning. The Comprehensive Plan in effect at that time classified the subject property as “Medium Intensive Industrial” and adjacent properties were zoned IL. The Court found that an argument could be made that the

property could be zoned light industrial, commercial or office, but left the determination of the appropriate zoning district to the City.

Surrounding Property:

Z-7284 January 2015: All concurred in approval of a request for rezoning a 70± acre tract of land from AG to IL for PSO Service Center building and outdoor storage for electrical service repair and construction, on property located south of southeast corner of E. Admiral Pl. and S. 145th E. Ave.

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-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.

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.

BOA-11255 November 6, 1980: The Board of Adjustment approved a Special Exception to permit church use and church-related activities; and permission to use property for school use for grades Kindergarten through College and school-related activities; and accessory uses to the church and school to permit bus maintenance and service facilities, with underground gasoline storage tanks, per plot plan submitted and subject to a subdivision plat, on property located abutting the subject property to the east.

11. **PUD-833 - Roy Johnsen**, Location: One half mile south of East Admiral Place, east of South 145th East Avenue, requesting a PUD for industrial park to develop site with large warehouse buildings for light industrial uses, **AG to IL/PUD-833**, (CD-6) (Related to CPA-33/Z-7301)

STAFF RECOMMENDATION:

APPLICANT DEVELOPMENT CONCEPT:

Planned Unit Development Number: ("PUD-833") is a new industrial development.

PUD-833 is comprised of 20 acres.

The project is located a half mile south of E. Admiral Place on the east side of S. 145th East Avenue (the "Project").

The Conceptual Site Plan for the Project is shown on Exhibit "A".

An Aerial Photograph of the area land uses around the Project is shown on Exhibit "B".

The Project will be a new industrial park to house two (2) large tilt up office / warehouse buildings and a storage yard.

Access to the Project will be from two driveways off of S. 145th East Avenue.

The Conceptual Circulation Plan for the Project is attached hereto as Exhibit "C".

The existing zoning for the Project is shown on the Zoning Map attached hereto as Exhibit "E".

The property is currently zoned AG and an application has been submitted to rezone the property to IL in conjunction with this PUD.

Development of this PUD requires a change to the Comprehensive Plan and rezoning. Currently the site is designated as Neighborhood and zoned AG. The proposed change to the Comprehensive plan is to Employment and rezone to IL. There are many existing factors that support this change which are shown on Exhibit "D".

Currently there is heavy industrial development on the south side of E. Admiral Place to the half section line, which is the Project's north property line. The property adjacent to the north has recently been

rezoned to IL to allow an AEP Service Yard project. The trend is industrial or commercial development continuing south to E. 11th Street. Also a small area plan was developed on the west side of S. 145th East Avenue which shows property to be mixed use development across for the Project.

There are developers looking at developing between 129th Street and 145th Street for commercial development. Two main factors of this development which affect this Project is the location of their proposed collector road and the City of Tulsa Regulatory Floodplain. The Master Street Plan recommends that the collector be placed at the half section line. For this section that location doesn't fit well. There is an existing driveway on the west side of S. 145th Street just north of the half section line that would be in too close proximity of the collector road. Also there is Regulatory Floodplain through this area that naturally diverts the road to the South. A conceptual site plan has been proposed reflecting the proposed alignment of the collector road.

With the collector road shifting to the South it starts to act as a natural buffer between Industrial / Employment Area and Residential / Neighborhood Area. With the Project being located on the north side of the collector road it allows this property to be considered to be rezoned with the use of this PUD.

The purpose of Planned Unit Development No. 833 is to establish the Development Standards and conditions necessary to ensure compatible development of the proposed industrial service use with the surrounding undeveloped tracts of land. The project will consist of two buildings, associated parking lot and storage yard. Development of the PUD and the location of the buildings have been designed around providing an adequate buffer to the south and east.

SECTION II: PUD 833 DEVELOPMENT STANDARDS:

The Project will be developed in accordance with the City of Tulsa Zoning Ordinance, and the IL – Industrial Light Development Standards except as described herein.

GROSS LAND AREA: 872,142.17 SF 20.02 AC

NET LAND AREA: 794,834.54 SF 18.25 AC

PERMITTED USES:

Uses permitted by right within the IL – Industrial Light General Zoning District except:

Use Unit 16 Mini storage
Use Unit 17 Automobile and Allied Activities
Use Unit 18 Drive-In Restaurants
Use Unit 21 Signs and Outdoor Advertising

MAXIMUM BUILDING FLOOR AREA: 436,071 SF (0.50 FAR)

MAXIMUM BUILDING HEIGHT: *TWO STORIES NOT TO EXCEED 40 FT

*Architectural features, such as parapets, will be permitted to exceed the maximum height at Detailed Site Plan approval.

MINIMUM OFF-STREET PARKING SPACES AND LOADING BERTHS:

Parking for the Office / Warehouse use shall be 1 space / 1500 SF. All other uses the parking shall be provided per the Tulsa Zoning Code.

MINIMUM LOT FRONTAGE: 150 FT

MINIMUM BUILDING SETBACKS:*

From North Boundary of PUD	20 FT
From East Boundary of PUD	75 FT
From Ultimate ROW of S. 145 th E. Avenue	50 FT
From South Boundary of PUD	75 FT

*No buildings or business signage, with the exception of directional signage, will be allowed within any utility easement.

SIGNS:

BUSINESS MONUMENT SIGNS:

Free standing signs will be limited to two (2) with a maximum of 150 SF of display area and 15 FT in height. No flashing, twinkling, animated or LED sign shall be allowed. All freestanding signs shall have a monument type base that covers support structures. The base of the sign shall be of the same material as the principal building on the lot. No portable signs or banners shall be placed on the lot.

All free-standing signs within the Project will be located outside of any Utility Easements and must be placed a minimum of 250 feet from the south boundary of the property.

WALL SIGNS:

Wall signs will be limited to an aggregate display surface of three (1.5) square feet per each lineal foot of the building wall to which the sign or signs are affixed. Illuminated wall signs will not be permitted.

No wall signs will be allowed on the east or south sides of any building.

LIGHTING:

Light poles shall have a maximum height of 20 FT. Light poles within fifty feet of the east and south PUD boundary shall be shielded and 0 foot-candles will be required along the east and south boundary line. A photometric plan will be submitted with the site plan. A site lighting plan and details will be submitted as part of the Detail Site Plan package to the City for necessary approvals.

LANDSCAPED AREA:

A minimum of ten (10%) of the total net Lot Area of the Project will be landscaped open space.

The Conceptual Landscaping Plan for the Project is shown on Exhibit "F".

BUILDING FACADES:

The primary vertical exterior material of the building shall be concrete tilt up. The Proposed Building Elevations are shown on Exhibit 'I'.

PARKING: All parking spaces shall be located on either asphalt or concrete pavement. The surface of the storage yard may be gravel.

LANDSCAPING AND SCREENING DETAILS:

The Project landscaping concept will meet or exceed the requirements of the Tulsa Zoning Ordinance for landscaped edges and parking lots and drives with additional standards defined below:

A 50-foot wide landscape edge will be provided on the east boundary of the PUD.

All trees shall be a tree as defined in the Zoning Ordinance. Not less than 15% of any street yard shall be established and maintained as a landscape area. The minimum landscape edge shall not be less than 10' wide between parking, buildings, storage yard and their adjacent lot line. Along any street frontage one (1) tree shall be provided for each 1500 square feet of street yard. Along the east PUD boundary one (1) evergreen tree shall be provided for every fifty (50') feet.

As a result of the landscaping and distance between the Project improvements and the undeveloped property to the East, a screening fence will be required within the Project. An 8 foot high masonry or concrete fence shall be installed in accordance with the zoning ordinance along the east boundary and the east 285 feet of the south property line.

Parking Lot:

In the Project parking lot on the west side of the property, at least one (1) tree will be planted per 12 parking spaces, as shown on the Conceptual Plan. Trees will be medium to large two-inch caliper minimum at installation and will be on the City's approved tree list. No parking space is located more than 75 FT from a landscaped area.

Trash and Mechanical Equipment Areas:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, will be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level at the property line.

Maintenance:

The landscape features within the Project will be maintained in accordance with the requirements of the Tulsa Zoning Code. Any required landscape material that fails shall be replaced in accordance with the Zoning Ordinance.

ACCESS AND CIRCULATION:

Primary vehicular access to the Project will be from South 145th East Avenue.

The full collector street right-of-way will be required along the entire length of the south property line. Half of a street right of way is prohibited with this PUD. Only one access will be permitted along the south border of the site. That access will be gated and only used for emergency access. That access will meet or exceed the minimum design determined by the Tulsa Fire department.

Sidewalks five feet in width will be installed adjacent to the street frontage and appropriate internal pedestrian circulation will be provided as required by the Building Permit Process.

DETAILED STAFF RECOMMENDATION:

PUD-833 is not consistent with the anticipated future growth of the area as defined in the Comprehensive Plan. The PUD has been reviewed in context with the Comprehensive Plan Land Use map and the related Comprehensive Plan amendment (CPA-33) request. The existing land use designation is a “New Neighborhood”.

The PUD does not provide creative land use design however the PUD requires innovative land development solutions for significant landscape buffers, masonry fencing, signage limitations and land use limitations that help assure compatibility with adjoining and proximate properties, and

The proposed “Employment” land use designation could support a Light Industrial office warehouse as proposed in the PUD text and exhibits. The PUD provides appropriate development standards

that anticipate moderate residential development however the PUD has not limited the many objectionable uses that are allowed in Use Unit 25 Light Manufacturing, and

PUD-833 provides and preserves open space along the west edge of the project for storm water detention facilities and along the east and south edges of the site however, there are no provisions for enhancing the open space in a meaningful way, and

PUD-833 is not consistent with the expected commercial or residential development pattern on the west side of East 145th Street South, therefore

Staff recommends Denial of PUD-833 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation is a New Neighborhood. The proposed land use for the related Comprehensive Plan amendment (CPA-33) is Employment. The project is not consistent with the New Neighborhood vision and the concurrent Comprehensive Plan revision (CP-33) is not supported by staff. There no impact on the Transportation Vision

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Proposed Land Use Plan map designation: 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 general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan:

South 145th East Avenue does not have a multi modal designation. The 120 foot right of way requirement for the site will meet the transportation vision for this area if the property is developed with a residential, industrial, office or commercial use. All rezoning request will require dedication of the street right of way during the plat process.

The east west collector street will be required somewhere near this location. The developers of this site must coordinate with the City

and adjacent land owners to identify the location of the required collector street.

Trail System Master Plan Considerations: None

Small Area Plan: (East Tulsa Neighborhood Plan.)

The East Tulsa Neighborhood plan illustrates this site as part of a largely vacant undeveloped property with development potential. There are no recommended land uses for this site with that plan. The recommendation for development in this area suggested that 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.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is gently sloping and is suitable for large warehouse office development contemplated with this PUD. Significant environmental obstacles are not anticipated for this or any future development.

Topography:

The Project site contains a gentle slope across, sloping from 748 at the eastern boundary down to 723 on the western boundary.

The Topography, Conceptual Drainage and Utility Plan are shown on Exhibit "G".

Utilities:

Presently there is an existing waterline on the east side of S. 145th East Avenue.

Regarding sanitary sewer service, an existing 8" sanitary sewer line is located on the east side of S. 145th East Avenue.

Other utilities, including electric, gas, telephone and cable television, are either currently available to the site or can be readily extended to serve the Project as needed.

Drainage:

There is City of Tulsa Regulatory Floodplain on the western portion of the site which will be placed in an Overland Drainage Easement.

Presently, the entire site drains from east to west to an existing culvert under S. 145th East Avenue. All runoff associated with the Project will be collected in a storm sewer system and discharged into an on-site detention pond which will regulate the runoff to the existing culvert.

All project civil engineering plans, inclusive of storm sewer design, will require review and approval by the City.

Soils:

The site soils are comprised mostly of silty loam. Soils will be stabilized in areas of parking lot and building construction in accordance with geotechnical report recommendations.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 145 th East Avenue	Primary Arterial	120 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by vacant land, zoned AG; on the north by undeveloped property owned by AEP/PSO, zoned IL; on the south by vacant land, zoned AG; and on the west by vacant land, zoned AG.

SECTION III: Relevant Zoning History

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

Subject Property:

Z-6665/ PUD-605 May 1999: A request was made 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. Subsequent to the City Council Denial the applicant sought to enjoin the enforcement of AG zoning of the property at District Court. The District Court, in a decision that was upheld on appeal, enjoined the enforcement of AG zoning of the

property and found that the City should determine the appropriate zoning. The Comprehensive Plan in effect at that time classified the subject property as "Medium Intensive Industrial" and adjacent properties were zoned IL. The Court found that an argument could be made that the property could be zoned light industrial, commercial or office, but left the determination of the appropriate zoning district to the City.

Surrounding Property:

Z-7284 January 2015: All concurred in approval of a request for rezoning a 70± acre tract of land from AG to IL for PSO Service Center building and outdoor storage for electrical service repair and construction, on property located south of southeast corner of E. Admiral Pl. and S. 145th E. Ave.

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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

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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.

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.

BOA-11255 November 6, 1980: The Board of Adjustment approved a Special Exception to permit church use and church-related activities; and permission to use property for school use for grades Kindergarten through College and school-related activities; and accessory uses to the church and school to permit bus maintenance and service facilities, with

underground gasoline storage tanks, per plot plan submitted and subject to a subdivision plat, on property located abutting the subject property to the east.

Mr. Wilkerson summarized the staff recommendations for Z-7301 and PUD-833. Mr. Wilkerson reiterated that staff is recommending denial of Z-7301 and PUD-833. Mr. Wilkerson stated that the road location is one of the major reasons for concern. Mr. Wilkerson stated that IL straight zoning is not consistent with the Comprehensive Plan land use maps and not consistent with what is believed to be the future development pattern and could not support this without a PUD overlay. This PUD does provide limitations on building heights and some of the basic things that are typically seen, but it doesn't provide meaningful open space. Mr. Wilkerson stated that there is not enough detail in the PUD to recommend approval for this site. Staff believes that the subject area will be residential in the future. Mr. Wilkerson stated that all of the surrounding properties would be negatively impacted by industrial use on the subject site.

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing Pawnee Industrial Park, cited the history of the company proposing the subject development. Mr. Johnsen cited the distance from the proposed project and residences and stated that it is important to remember that the proposal is well removed from existing buildings. Mr. Johnsen cited the history of previous applications for the subject property.

Mr. Johnsen explained that his client will have to dedicate right-of-way and abide by zoning and PUD standards and requirements. He reminded the Planning Commission that the Comprehensive Plan is simply a guide.

Mr. Carnes reminded the Planning Commission that one of the reasons for the lack of development on the subject property is due to limestone close to the service.

Nicole Watts, Kinslow, Keith & Todd, Inc., 2200 South Utica Place, stated that the outlet mall is proposing a road for their development and it shows the road being moved to the south due to an existing floodplain and because Crossroads has an existing driveway where the road would naturally go and one can't have a driveway and road in the same location. The dip in the road to the south comes to the subject property line.

Mr. Covey asked Ms. Watts if the road she is demonstrating (Exhibit A-2) is the one the outlet mall is proposing. Ms. Watts answered affirmatively. Mr. Covey stated that the Major Street and Highway Plan (MSHP) doesn't have this road depicted this way. Ms. Watts stated that the MSHP didn't

take into account the floodplain and it didn't take into account existing drives. Mr. Covey asked Ms. Watts what the City has to say about the proposed road. Ms. Watts stated that she has been trying for three weeks to have a meeting with the City staff and they will not return her phone calls.

Ms. Watts stated that with the road dipping down it creates a new buffer on the south side of the subject property. Ms. Watts further stated that everything to the north of the proposed road would be employment and to the south it would be potentially residential. Ms. Watts stated that the Home Builders Association (HBA) told INCOG staff that nobody is interested in building in the subject area right now because of the limestone and other reasons. Mr. Covey asked what the other reasons. Ms. Watts stated that the HBA named schools systems as another reason for not wanting to build in the subject area. Ms. Watts explained that it is very costly to build a subdivision where there is limestone.

Ms. Watts stated that Crossland Construction is who is wanting to develop the subject property and they currently own Crossroads, which is caddy corner from the subject property and this would be a continuation of their development.

Ms. Watts stated that what is being proposed is an office/warehouse development with large tilt-up construction with no metal. There would be small offices with large warehouses for different tenants. This development will produce taxes and will help future development in the subject area. Ms. Watts indicated that AEP will be on the north property line of the subject property and they will also have a new office building with a large gravel yard. Currently, the AEP's gravel yard is mostly gravel and storage material. Ms. Watts stated that the subject proposal is a much better screening to the neighbors in the subject area than a straight gravel yard. The buildings will go up to 30 feet with straight concrete and will provide a sturdier subdivision than nothing. On the east and part of the south side, there will be eight-foot concrete tilt-screening walls.

Ms. Watts stated that there was a meeting with the neighborhood last Friday and probably 40 to 50 people showed up and it was a long meeting, but a good meeting. There were people that were happy with the proposal and there were also people who understood the development. Ms. Watts stated that the neighborhood did want additional limits on uses and she is submitting those limits today (Exhibit A-4).

Mr. Fretz asked if anyone has withdrawn their names from the signed petition. Ms. Watts stated that she doesn't know.

Mr. Liotta asked who proposed the plan for the collector street. Ms. Watts stated that it started with the outlet mall and when she saw how the road would hit the subject property on the south property line is when it made sense to continue the road to the east and then back up. Mr. Liotta asked if there has been any conversation with the City regarding this potential deflection to the south. Ms. Watts answered negatively.

In response to Mr. Stirling, Ms. Watts stated that a portion of the property proposed for the outlet mall is designated as new neighborhood and would have to be amended in the Comprehensive Plan as well.

Mr. Dix asked Mr. Shivel if the Transportation Committee that he serves on has heard anything about this potential realignment. Mr. Shivel answered negatively. Mr. Dix stated that currently it is just lines on paper with a proposal.

Mr. Dix asked Mr. Wilkerson who would build the proposed road. In response, Mr. Wilkerson stated that in every instance that he is aware of, the collector streets are built by the developer. Mr. Dix asked to what extent. Mr. Wilkerson stated that the developer would build the entire length of the street in context with their property. Mr. Wilkerson stated that he has met with INCOG's transportation department and the information he received was exactly what Ms. Watts stated. The street is more of an engineering design consideration for what the route the street would take, then an actual alignment that is carved out of the MSHP. Mr. Wilkerson explained that whoever develops first deeds right-of-way and when the second developer comes in he has to build the street.

Ms. Watts stated that in the past when one dedicates the right-of-way, they don't build the road, but they bring in the water line and sanitary sewer that would run along the collector road. Ms. Watts concluded that even though they aren't building the road they would be bringing water and sewer across their property for future development.

INTERESTED PARTIES COMMENTS:

Christy Boggs, 1127 S 157th East Avenue, 74108, stated that there were approximately 60 people at the meeting and no one has removed their name from the petition. Ms. Boggs submitted additional names for the petition (Exhibit A-1). Ms. Boggs stated that she is the co-chair of the Board of Directors for Tower Heights Neighborhood Association. Ms. Boggs further stated that she is strongly opposed to this proposal, which conflicts with the Comprehensive Plan for the City of Tulsa. There are homes being built in the subject area today and they are nice quality homes. There is a rock issue, but Rausch/Coleman is building a Battle Creek Addition in the subject area. This proposal could set precedence for the future development in the subject area. Ms. Boggs commented

that there is plenty of property on the other side of Admiral for sale to build industrial. If industrial is allowed on the subject property, then it would start encroaching and then industrial will be down on 11th Street. Ms. Boggs indicated that she is in agreement with the staff recommendation to deny this application. Ms. Boggs cited the traffic issues in the subject area.

Eck Ruddick, 14673 East 11th Place, 74108, stated that he is the Co-Director of Tower Heights Neighborhood Association. Mr. Ruddick indicated that he is in opposition to the subject application. Mr. Ruddick indicated the location of homes in the subject area. Mr. Ruddick commented that there aren't any problems with rock in the subject area. He further commented that the issue regarding homes not being built in the subject area was due to homes not being built anywhere because of the economy. Mr. Ruddick indicated that homes are being built again and in the subject area. There was a lot of effort put in the Comprehensive Plan and shouldn't be changed. The developer of the outlet mall is looking for houses in the subject area. Mr. Ruddick stated that the staff report is one of the most thorough and factual recommendations that he has ever read.

Applicant's Rebuttal:

Ms. Watts reiterated that if the outlet mall does get the TIF District, then TIF money will build the infrastructure, including the road. Ms. Watts stated that the Battle Creek development is in the Broken Arrow school district that was mentioned earlier. The subject property hasn't been developed for over 15 years. Ms. Watts commented that she understands that some people are afraid of the IL zoning and after discussing this with staff there was discussion of requesting CH zoning, but she felt with the zoning and PUD there would be enough restrictions. Ms. Watts stated that with the zoning and PUD and with the existing development in the subject area she thought this would be a good fit and a logical fit. The subject site will be screened from the neighborhoods and most of the houses are 2,000 feet from the property line.

Mr. Carnes stated that it appears that we are trying to get the cart before the horse here. Mr. Carnes further stated that after the mall is actually built, then it may be looked at differently. Mr. Carnes indicated that he agrees with staff at this time to deny this application.

Mr. Dix stated that he agrees with staff and he doesn't really have any validity of where the collector street will go at this time. Mr. Dix commented that he doesn't believe the road will curve as drawn on the proposal. Until the collector street is built and until it is in a configuration that would create a barrier between the neighborhoods to the south and proposed new neighborhoods that will be built south of that road, he can't

possibly support this. Mr. Dix stated that he supports the staff recommendation for denial.

Mr. Midget stated that he would echo what Mr. Carnes and Mr. Dix has stated. It would be difficult at this time to support this project. He understands that the residents have invested in the area, just as the industrial development has. Mr. Midget commented that he has been trying to get some information about the collector street and unfortunately he hasn't gotten an email back. If the collector road doesn't develop as proposed, then it would be encroachment and moving down into the neighborhood. Mr. Midget indicated that he can't support this project at this time.

Mr. Fretz stated that he drove through the subject area and he saw a nice piece of land that looks future residential, in spite of the rock. Mr. Fretz further stated that there are new machines that can cut through the rock. Mr. Fretz commented that he doesn't see a good reason to approve this, since it has been denied previously by the City Council and the District Court. Mr. Fretz stated that he is in favor of the staff recommendation.

Mr. Liotta stated that he appreciates what staff has gone through to prepare this recommendation. Staff has limitations that guide their recommendations and the Planning Commission is charged with taking that into account, but also looking at other aspects of the particular piece of the property. Sometimes the Planning Commission does recommend in opposition of what staff recommends. Mr. Liotta indicated that he grew up in East Tulsa and he understands how difficult it has been to develop the subject area. Mr. Liotta stated that it is tough to say no to someone who wants to come into East Tulsa and develop, but the road is an issue. If the road was built the was indicated on the proposal then it would make sense to allow the development as proposed, but right now it is only lines on a map and somebody's guess and there is nothing from the City that gives any strong feeling that this is indeed how the road will be built.

Mr. Reeds stated that he echo's Mr. Liotta's comments. He supports the outlet mall development and it will be good for the subject area. Mr. Reeds stated that he is confounded about the road and where it will ultimately be built. Mr. Reeds indicated that he will be supporting staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **DENIAL** of Items 9 (CPA-33), 10 (Z-7301) and 11 (PUD-833) per staff recommendation.

Items 12 and 13 are related Items:

12. **CPA-34 – Eller & Detrich/Lou Reynolds**, Location: Southwest corner of East 71st Street South and South Riverside Drive, requesting Amendment to the Comprehensive Plan for Land Use Designation from “Park and Open Space” to “Mixed Use Corridor” on approximately 35.89 acres (CD-2) (Related to PUD-128-E-5)

STAFF RECOMMENDATION:
COMPREHENSIVE PLAN LAND USE MAP AMENDMENT REQUEST

SW corner of E. 71st St. S. and S. Riverside Dr (CPA-34)

II. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Park & Open Space</i>
Existing Stability and Growth designation: <i>Area of Stability</i>
Proposed Land Use: <i>Mixed-Use Corridor</i>
Proposed Stability and Growth designation: <i>Area of Growth</i>
Location: SW corner of E. 71st St. S. and S. Riverside Dr.
Size: 35.89 acres

F. Background

The area subject to this Comprehensive Plan amendment application is located on the southwest corner of East 71st Street South and South Riverside Drive, an area bordering the east side of the Arkansas River. The subject site has significant development potential per the underlying zoning (RM-2, ES-4, OMH, CS) and PUD-128, both of which were approved in 1972. Subsequent amendments to the PUD occurred since that time; however, the site was never developed. In 1991, a public-private land acquisition transpired and the site is currently known as Helmerich Park, owned by the Tulsa Public Facilities Authority and part of the City of Tulsa Park system.

Currently the subject site makes up approximately 36 acres of the 60 acres of Helmerich Park. The subject site contains sand volleyball courts, RiverParks trails, as well as vacant land, and sits on the west side of Riverside Drive in an area with a mixture of commercial, office and residential uses. The City of Tulsa issued a Request for Proposals (RFP) in 2014 to obtain proposals from developers seeking to develop retail/recreation venues for either a portion or all of Helmerich Park. The entirety of Helmerich Park is designated as *Park & Open Space* and an *Area of Stability* in the Tulsa Comprehensive Plan.

G. 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 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. 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.”

The Tulsa Comprehensive Plan assigns a *Parks & Open Space land use designation* on the subject site:

“This building block designates Tulsa’s **park and open space** assets. These are areas to be protected and promoted through the targeted investments, public private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.”

H. Proposed Land Use/Area of Stability and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing an *Area of Growth* and *Mixed Use Corridor* land use designation on the subject site.

“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.”

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

I. Arkansas River Corridor Master Plan

In addition to the land use designations assigned in the Tulsa Comprehensive Plan, the area was also part of the 2005 Arkansas River Corridor Master Plan. The Master Plan designated the intersection of East 71st Street South & South Riverside Drive as a “Special Development Zone” and introduces waterfront/mixed-use development into the Helmerich Park area.

For Helmerich Park, the Master Plan discusses the need to balance the preservation of open space with river-oriented development. A

concept sketch in the Master Plan illustrates recreational and retail uses similar to those proposed at this time:



Portion of Figure 8.6-3, 71st Street Riverfront Concept Plan, Arkansas River Corridor Development Plan: Phase II Master Plan

J. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	None, then <i>Park & Open Space</i>	Growth	East 71 st Street South, then RiverParks
South	RM-2/PUD-128E	<i>Park & Open Space</i>	Stability	Helmerich Park
East	RS-2, RS-4, OL/PUD-691, OM/PUD-808, PK, CS	<i>Town Center</i>	Growth	Varied commercial, office & residential uses
West	AG	None	None	Arkansas River

K. 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 addressing the above as part of their application:

1. *The owner of the Property, the Tulsa Public Facilities Authority (“TPFA”), has, for several years, sought to cause the development of this underutilized Property. These efforts culminated, about 18 months ago, in the TPFA issuing a RFP seeking proposals for ground leasing the Property from the TPFA. TPFA did not receive any responsive proposals to the RFP. However, TPFA has continued to seek proposals for the development of the Property and is entertaining leasing the Property to an affiliate of UCR Development Services for development purposes. In furtherance of this plan and prior to requesting any proposals, the City of Tulsa, Park and Recreation Board, was advised of the TPFA’s plans for the development of the*

southwest corner of South Riverside Parkway and East 71st Street South. The Park Board and the City discussed a conceptual illustration of a possible development scenario for the Property. Additionally, the City has plans to relocate the existing volleyball facilities on the Property and improve them at another location.

2. *“Unusually, the Property is zoned PUD-128-E and the underlying zoning of the Property is CS, Commercial Shopping District, OMH Office Medium Heavy District, and RM-2, Residential Multifamily Medium District. This zoning permits the Property to be used for over a million square feet of office space with building heights up to 154 feet and over 60,000 square feet of commercial floor area by right with PUD site plan approval. In light of the intensity of the existing zoning, the proposed development of the Property for commercial purposes and the relocation of the volleyball courts warrant the proposed amendment to the Comprehensive Plan.”*
3. *“The proposed change will enhance the surrounding area and the City of Tulsa by permitting the underutilized Property to be put to a commercial use under the conditions of a Planned Unit Development. This will permit the Property to be developed and integrated into the trail system, the Arkansas River and the Riverside Drive corridor. The major change in this area is the development opportunity presented to the City of Tulsa by the leasing of the long underutilized Property for commercial purposes. This project is adjacent to and surrounded by areas of growth and because the Property is subject to a PUD, with generous setbacks and landscaping requirements and PUD detail site plan approval, the City of Tulsa can be assured of growth that is not only consistent with the trail system, the Arkansas River and the Riverside Drive corridor, but that it will enhance these assets for this area and our City.”*

L. Staff Response:

The history of this site is unique in that it contains a significant amount of development potential, per the zoning, that was never utilized. And, because of the 1991 public-private land acquisition and its incorporation into the City of Tulsa’s park system as Helmerich Park, the site received a *Parks* land use designation at the time of adoption of the Tulsa Comprehensive Plan in 2010.

The proposed use of the site – retail and recreation – will be complementary to the vision as outlined in the 2005 Arkansas River Corridor Master Plan. The RiverParks trail system will remain and efforts are being made through the PUD minor amendment (PUD-128E) process to ensure that the development both respects and enhances the trail experience.

Although this area has not changed significantly since the adoption of the 2010 Comprehensive Plan, there is increased attention on current and future river development. In several instances, it appears that the land uses in the Arkansas River corridor were not closely examined or aligned with the 2005 Arkansas River Corridor Master Plan during the adoption of the 2010 Comprehensive Plan. For example, RiverParks from Southwest Boulevard to E. 71st Street South was not assigned any land use designation. Therefore, that area was assigned a *Parks and Open Space* land use designation as part of the 2014 Housekeeping amendments.

An evaluation is currently in progress for the land uses surrounding the remainder of the Arkansas River corridor within the City limits of Tulsa. The intent of this study is to make recommendations for further land use amendments, consistent with the Arkansas River Corridor Master Plan and the work of the River Design Corridor Steering Committee that is currently underway.

This request also includes a change to the Areas of Stability and Growth Map. The Plan provides criteria for areas of growth and for selecting additional areas of growth in the future: (p LU 57)

“The following criteria were used to select the Areas of Growth in the plan.

After the plan is adopted, new or revised Areas of Growth can be proposed based on these same criteria.

o Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors

o Areas already undergoing positive change which is expected to continue

o Areas adjacent to transit and around transit stations, existing and planned

o Areas along corridors with frequent bus service that can accommodate development on underutilized land

o Locations where appropriate infill development will promote shorter and less frequent trips

o Areas with special opportunities such as where major public or private investments are planned'

This proposal meets several of the criteria. An *Area of Growth* designation is consistent with that recently assigned to the RiverParks between Southwest Boulevard and East 71st Street South. The intent of this area, like RiverParks, is that it is a dynamic, active and utilized amenity for the City of Tulsa. The City wishes to move forward with development of this underutilized area, while continuing to provide the recreational facilities (sand volleyball courts) currently at the park, either further south on Helmerich Park or at another nearby park. As evidenced by the Gathering Place to the north and numerous commercial ventures further south, this is clearly an area undergoing positive change which is expected to continue. Also, a mix of uses – retail and recreational- on this site at E. 71st Street South and S. Riverside Drive allows the City to implement a portion of the Arkansas River Corridor Master Plan.

STAFF RECOMMENDATION

- Staff recommends **Approval** of the *Mixed-Use Corridor and Area of Growth* designations.

Related Item:

13. **PUD-128-E-5 – Eller & Detrich/Lou Reynolds**, Location: Southwest corner of East 71st Street South and South Riverside Drive, requesting a PUD Minor Amendment to reallocate floor area within Development Areas A, B and C; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C, **CS/OMH/RM-2/PUD-128-E**, (CD-2) (Related to CPA-34)

STAFF RECOMMENDATION:

Amendment Request: To reallocate floor area within Development Areas A, B and C; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1107.H.1 PUD Section of the City of Tulsa Zoning Code.*

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

As well as Section 1107.H.9

“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.

DEVELOPMENT CONCEPT

PUD Minor Amendment 128-E-5 (“PUD 128-E-5”) is located at the southwest corner of East 71st Street South and South Riverside Parkway. PUD 128-E is comprised of 92 acres and this Minor Amendment is comprised of the northerly 35.89 acres thereof. See the Aerial Photo – Land Uses Plan attached hereto as Exhibit “A”.

The purpose of PUD 128-E-5 is to reallocate floor area within Development Areas “A”, “B” and “C” and amend the boundaries between Development Areas “A” and “B” of PUD 128-E in order to establish the Development Standards for the development of “new” Development Area “A” for commercial purposes.

Except for the reallocation of the floor area, the only other Development Standards amended within Development Areas “B” and “C” are the removal of the commercial uses from the Permitted Uses of Development Area “C” as a result of the reallocation of the commercial floor area to “new” Development Area “A” from Development Area “C”. Otherwise, there are not any amendments to the Development Standards of Development Areas “B” and “C”.

As shown on the Conceptual Site Plan (Exhibit “B”), the proposed commercial center will create a sense of place, space and community between South Riverside Parkway, East 71st Street South, the River Parks trail and the Arkansas River.

Using sophisticated design with a “lifestyle” feel, the Project will tie in to the River Parks trail, the Arkansas River and the arterial streets through building design, articulation, massing, and generous landscaping. Along the River Parks trail, where hard architectural lines meet the trail, special attention to landscaping details will help soften the experience. Even without including Reserve Area A and Reserve Area B, the landscaping within the Project will exceed 15%.

The Project will be anchored by a ± 27,000 square foot hiking, biking and outdoor store while accommodating smaller uses in an adjacent building and another building on the hard corner of East 71st Street South and

South Riverside Parkway. The building will have direct access to the River Parks trail and at its northwest corner such building has windows and other inviting architectural features to welcome visitors from the River Parks trail to the Project. Conceptual Building Elevations of the outdoor store are attached hereto as Exhibit "C".

Finally, the Project seeks to further embrace its location by allowing for the development of a restaurant with an indoor/outdoor musical venue enjoying the view of as well as the views from the River Parks trail and Arkansas River.

Throughout the Project, pedestrian pathways allow for easy access to and from one building to another, as well as the River Parks trail. Bicycle storage will be provided in several locations within the Project.

The Project's design, landscaping and tenant mix seek to create a sense of community as a hub in Tulsa's trail system. The Project will provide additional parking that is well connected to both the Project and the River Parks trail which enhances the connectivity to both the center and the adjacent trail.

No rezoning is necessary to support PUD 128-E-5 and all the proposed uses are Permitted Uses within the underlying CS, OMH and RM2 Zoning Districts. See the Area Zoning Map attached hereto as Exhibit "D".

DEVELOPMENT STANDARDS

"NEW" DEVELOPMENT AREA "A"

LAND AREA:

GROSS:	668,440	SF	15.35 AC
NET:	536,357	SF	12.31 AC

PERMITTED USES:

Uses permitted as a matter of right in the OM – Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants, barber shops and beauty and convenience goods and services, and shopping goods and services and restaurant ~~and music concert, with indoor / outdoor dining, bar and music area indoor and outdoor commercial, with accessory bar~~ as permitted in Use Units 12, 13, and 14 ~~and 20 and accessory uses customarily accessory thereto~~. Restaurants, private clubs, barber and beauty shops which are located within a building having offices as its principal use shall be

considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which it is located.

MAXIMUM BUILDING FLOOR AREA:

OFFICE AND COMMERCIAL:

Office	270,750	SF
Commercial	<u>63,250</u>	SF
Total	334,000	SF

MINIMUM BUILDING SETBACKS:

From the centerline of South Riverside Parkway	120	FT
From the centerline of East 71 st Street South	120	FT
From the boundary of Development Area "B"	-0-	FT
From the west boundary per approved Detail Site Plan		

SIGNS:

Signs within "new" Development Area "A" shall be as follows:

(a) 71ST STREET PROJECT SIGNS.

Ground signs shall be permitted as follows: Two (2) ground signs on East 71st Street South. The westerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The easterly sign shall not exceed 10 FT in height and 36 SF of surface display area.

(b) RIVERSIDE PARKWAY PROJECT SIGNS.

Two (2) project signs shall be permitted on South Riverside Parkway. The northerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The southerly sign shall not exceed 10 FT in height and 24 SF of surface display area.

The approximate locations of the Project Signs are shown on the Conceptual Site Plan attached hereto as Exhibit "B".

(c) WALL SIGNS.

Wall signs shall be permitted not to exceed 2.0 SF of surface display area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

(d) DIRECTIONAL SIGNS.

Directional signs within the interior of "new" Development Area "A" which are intended to inform

the visitor as to the location within the Project of tenants may be freestanding if not exceeding 4 FT in height and 4 SF of surface display area.

Directional signage that provides information to trail access locations must meet the standards defined in the Riverparks Authority Design Guidelines adopted by the RPA Board of Trustees in December 2008. Those signs will not be counted against the sign budget defined in the PUD.

LANDSCAPED AREA:*

A minimum of 15% of the net land area of “new” Development Area “A” shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East 71st Street South and South Riverside Parkway.

“NEW” DEVELOPMENT AREA “B”

LAND AREA:

GROSS:	395,826 SF	9.09 AC
NET:	384,851 SF	8.84 AC

MAXIMUM BUILDING FLOOR AREA:

OFFICE:	364,000 SF
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LANDSCAPED AREA:*

A minimum of 15% of the net land area of “new” Development Area “A” shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East 71st Street South and South Riverside Parkway.

DEVELOPMENT AREA “C”*

LAND AREA:

GROSS:	499,198 SF	11.46 AC
NET:	456,167 SF	10.47 AC

*Neither the boundary nor the land area of Development Area "C" are amended as a result of PUD-128-E-5.

PERMITTED USES:

Uses permitted as a matter of right in the OM – Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants and private clubs, barber and beauty shops. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which it is located.

MAXIMUM BUILDING FLOOR AREA:

OFFICE: 453,250 SF

MISCELLANEOUS

BUILDING TRANSPARENCY:

Transparency is considered the percentage of a River/Trail facing building façade that must be covered by transparent windows and or doors. The transparency will only be required within 125 feet of the pavement edge on the trail

BUILDING WALLS FACING THE ARKANSAS RIVER AND TRAIL SYSTEM

Development Area A:

A *minimum* transparency *area greater than of* 15 % is required along the northern 75 feet of the building façade measured between 3 feet and 15 feet above the trail elevation.

Development Area B and C:

A minimum transparency of 40% is required along the length of the building façade measured between 3 feet and 8 feet above the trail elevation.

VEHICULAR ACCESS AND CIRCULATION:

Vehicular Access to the Project will be provided by East 71st Street South and South Riverside Parkway.

The Project will have four (4) points of vehicular access: One (1) to East 71st Street South and three (3) to South Riverside Parkway together with an internal drive system running throughout the length of the Project. The internal

drive system will also provide access to the south for future development.

The Access and Circulation Plan for the Project is attached hereto Exhibit "E".

Pedestrian and Bicycle circulation paths will be integrated into the existing trail and sidewalk system.

PARKING:

Vehicular parking for public access to the Trail and Riverparks shall be encouraged. ~~Limitations on the location and amount of public access parking will not be allowed.~~

Bicycle parking areas will be conveniently located near the main entrance of any building within a Development Area.

An aggregate total of storage/parking areas for a minimum of 20 bicycles will be provided in each Development Area. Smaller groupings of storage areas are allowed near each building entrance

Specific design details will be shown on the detailed site plan.

LANDSCAPING:

In addition to the required landscaping as defined in the Tulsa Zoning Code a minimum 10 foot wide green space adjacent to the street right-of-way for Riverside Drive and 71st Street will be provided. Within the 10 foot green space, shrubs with sufficient density and height will be installed and maintained to provide a 3' tall effective visual screen from Riverside and 71st street within a three year growing cycle.

Along the trail system a large tree will be installed with a quantity calculation assuming a maximum spacing of 30 feet measured along the trail edge through the entire lot. The trees may be equally spaced or grouped. The minimum size at planting will be a 3" caliper and ~~10' & 12'~~ height. Those trees will be ~~within 10 feet of between the building and the edge of the trail and are not calculated as part of the Landscape Standards defined in the Zoning Code.~~

During detailed site plan review the applicant will be required to make a reasonable effort to save existing large healthy trees on the site. Tree protection plans and standards will

be provided as part of the detailed site plan and the landscape plan. Utility trenches will not be allowed under the drip line of trees that will be saved.

*Because of the age of PUD-128-E, internal landscape open space was amended to be consistent with the Tulsa Zoning Code.

UTILITIES:

All utilities are available at the site except sanitary sewer which will be extended to the site from the south. The storm sewer system for the Project will not create any new penetrations to the Arkansas River bank.

See the Site Map, Topography, Existing and Proposed Utilities and FEMA Floodplain Map attached hereto as Exhibit “E”.

ZONING:

See the Zoning Map attached hereto as Exhibit “F”.

LEGAL DESCRIPTIONS:

The Legal Descriptions of “new” Development Area “A” and “new” Development Area “B” and existing Development Area “C” are attached hereto, respectively, as Exhibit “G”, Exhibit “H”, and Exhibit “I”.

STAFF RECOMMENDATION

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-128-E and subsequent minor amendments shall remain in effect.

With the considerations listed above, staff recommends **APPROVAL** of the minor amendment request to:

- 1) Reallocate floor area within Development Areas A, B and C
- 2) Development Area boundaries between A and B and
- 3) Amend Development Standards in A, B and C.

Mr. Wilkerson pointed out the additional requirements that staff has requested for landscaping, number of trees and transparency along the

trail edge. Mr. Wilkerson stated that he would like to open up for discussion regarding parking being allowed for the trail.

TMAPC COMMENTS:

Mr. Shivel stated he has concerns where the patio area is located and wonder if that piece of development could be further removed from the trail and possibly lose a few parking spaces. Mr. Wilkerson stated that this is all conceptual in nature and it isn't known exactly who the user will be. There are a lot of details that haven't fully addressed the best use of the subject area possibly.

Mr. Stirling asked Mr. Wilkerson what percentage he would be more comfortable with. Mr. Wilkerson stated that originally he requested a minimum of 40%.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the subject property is owned by the Tulsa Public Facilities Inventory. Mr. Reynolds cited the surrounding areas and the various development areas within the PUD. Mr. Reynolds explained the exchange of floor area from other development areas in order to bring the PUD up to modern times.

Mr. Reynolds stated that he has been having conversations about this project for several months and there has been a lot of give and take between the City, INCOG and the developer regarding the proposed use. Mr. Reynolds stated that there has been a comment or suggestion of an esplanade on the subject property and that can be done without any issues. Mr. Reynolds suggested that this could be worked out during detail site plan. Mr. Reynolds described the proposed conceptual plan and landscaping proposed. Mr. Reynolds stated that it has been a lot of work to get the future tenant to agree to the conceptual site plan due to their retailing operations. Mr. Reynolds proposes to soften the edge through landscaping with berms and grass, etc. Mr. Reynolds stated that his client designed and landscaped for the trail, allowed access to the trail and there is a slight difference with staff regarding the parking. Mr. Reynolds indicated that his client has no problem with sharing the parking because it is significantly over parked, but he believes that if it became detrimental to the shopping center, then it may have to be controlled and try to control it with as light of a hand as possible. Mr. Reynolds cited a scenario where the shared parking could be an issue and feels that the shared parking has be done in a harmonious way. Mr. Reynolds stated that there needs to be some rights and balance between the shared parking. Mr. Reynolds proposed that in the beginning to not have any ideas or limits on the parking and see how it works out.

Mr. Reynolds stated that the subject proposal is close to staff's recommendation and there are three things that he is not in agreement with staff on. Mr. Reynolds submitted modifications to the language (Exhibit B-1). Mr. Reynolds requested the Planning Commission to approve the request with the submitted three changes.

TMAPC COMMENTS:

Mr. Midget asked if he heard Mr. Reynolds state that staff is in agreement with modification number one. Mr. Reynolds answered affirmatively. Mr. Midget asked if he heard that Mr. Reynolds wanted to have the trees between the building and the edge of the trail and count it toward their landscaping.

Mr. Dix asked about the access on 71st Street. Mr. Reynolds indicated that he will work with the City of Tulsa Traffic Engineering and prevent cars darting out and around the center median.

Ms. Millikin asked Mr. Reynolds to elaborate on what type of controls he might need for parking. Mr. Reynolds stated that he hopes it never has to be done. Mr. Reynolds further stated that there are no plans at this time for control, but if that situation arose it would be minimal as possible. Mr. Reynolds commented that he hopes the parking is never an issue, but he doesn't want his client's hands tied if a problem should present itself. Mr. Reynolds stated that his client's business needs the parking to have facility to work and he believes there is plenty of parking for it and the park. If needed, it would be handled lightly as possible because his client wants a harmonious relationship with the trail users and the center.

Mr. Reeds asked if the subject property would be purchased or leased. Mr. Reynolds stated that it is being ground leased and paying fair market for it. Mr. Reeds stated that he would like to see this development to attain the same level of quality that is happening in downtown Tulsa, in Jenks, Broken Arrow, Bixby and Owasso. Mr. Reeds stated that the submitted preliminary proposal is close, but not quite there in his opinion. He believes that the applicant needs to emphasize and embrace the River, rather than putting up a blank wall. Mr. Reeds commented that the design could be adjusted to make this work.

In response to Mr. Liotta, Mr. Reynolds stated that when Keystone Dam was shaking and everyone was nervous, the subject property was dry.

No interested parties wishing to speak.

Mr. Carnes stated that since Mr. Reeds is working on this park anyway, he would feel comfortable with whatever motion he makes.

Mr. Reeds stated that he supports the designation of mixed-use corridor, but he is concerned about the general layout. There are some nice things, but they haven't shown how it would look facing from the trail and that is what staff was addressing regarding the openness. Mr. Reeds mentioned that he doesn't understand why a loading dock is 30 feet from the running trail and why not turn it 90 degrees and have the other restaurant adjoining an esplanade to create a nice transition between the trail and the buildings, which would still be presented well off of Riverside Drive and might offer more flexibility. Mr. Reeds suggested that the Planning Commission support this application, but with a right to approve the final site plan.

Mr. Carnes stated that if that is a motion he would second it.

Mr. Covey asked Mr. Reeds if that is a motion. Mr. Reeds answered affirmatively.

Mr. Covey asked Legal if the motion was in order. Ms. VanValkenburgh asked if the motion was for the PUD portion only. Mr. Reeds answered affirmatively. Ms. VanValkenburgh stated that it leave it open and she doesn't know if the developer would be comfortable with that. Ms. VanValkenburgh stated that the Planning Commission can require detail site plan approval. Mr. Reynolds stated that he would accept that condition.

Mr. Covey stated that there needs to be a separate motion for Item 12 (CPA-34).

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the amendment to the Comprehensive Plan for Land Use Designation from "Park and Open Space" to "Mixed Use Corridor" for CPA-24 per staff recommendation.

Mr. Reeds moved to approve the minor amendment with the condition that the detail site plan return to the TMAPC for approval and subject to the amendments submitted by the applicant.

Mr. Covey asked Mr. Wilkerson if staff agrees with the amendments submitted by the applicant. Mr. Wilkerson stated that he doesn't support the amendments. Mr. Wilkerson stated that the landscape edges are important and separate from landscape standards, because this would get

more trees. Mr. Reeds stated that he understood that the applicant already provided landscaping and buffering along Riverside and 81st Street. Mr. Wilkerson stated that that is true, but in addition the staff recommendation was to add trees along the east side of the trail in addition to the minimum standards that are in the Landscape Chapter. Mr. Wilkerson further stated that the applicant is agreeing to the trees, but they want the trees to count toward the required landscaping. Mr. Wilkerson stated that he would like to hear more discussion regarding the additional transparency.

Mr. VanValkenburgh stated that she believes that the percentage has to be stated today and can't be change at detail site plan.

Discussion ensued on the percentage of transparency that should be required.

Mr. Reynolds stated that the tenant can't have more than 15% transparency and run their retail business.

Mr. Dix stated that he finds it difficult to impose certain limitations on an architectural consideration to a developer. The site plan approval is plenty and he is struggling with making somebody design it to our arbitrary limitations. If they have agreed to 15%, then let them put the 15% where they want to.

Mr. Reeds stated that some of this could be addressed by reorienting the buildings to the trail. Mr. Reynolds stated that he supposed that is a possibility, but the tenant has agreed to this layout and location and this is what the developer is working toward.

Mr. Dix stated that the Planning Commission is trying to design a building by telling somebody that they need to have at least 15% or 40% whatever and that is none of our business. We need to approve the PUD and let them design their building and let them build it. Mr. Dix stated that the use is the important part.

Mr. Reeds stated that he couldn't disagree with Mr. Dix more and he has disagreed with him in the past. This is our business as docents of our City and particularly of this first construction along the River. As the first one would want to set a good standard and embracing the River with design is critically important. Mr. Reeds stated that he knows the tenant and he knows that they embrace the cities where they are currently located and he would only ask that they do the same to Tulsa. Right now he does not see this design doing the same. Today's proposal is a typical 1980's shopping center and located on the Arkansas River on a great piece of

land, with very little adjustments. Mr. Reynolds stated that he would relay Mr. Reeds' comments to the tenant.

Mr. Reeds moved to approve minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a minimum of transparency along the River/Trail sides of the building, subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1).

Seconded by Mr. Carnes

Mr. Dix stated that he can't support this motion with a 40% transparency requirement.

Mr. Covey stated that if the Planning Commission is going to require the 40% he has a problem with that. Mr. Covey further stated that he has a problem with the motion dictating 40% and it could possibly come back with 25%.

Mr. Reynolds stated that he talked with the developer and they can go up to 20%, but beyond that they can't get the building like the tenant would like it to be to run their facility. Mr. Reynolds stated that he needs to know what that number is so that the lease can be signed and approved.

Mr. Dix suggested that the motion could say a transparency greater than 15%. Mr. Reynolds stated that would work for his client.

Mr. Reeds stated that he would support that amendment to his motion. Mr. Reeds agreed with Mr. Reynolds that the transparency he is addressing is the north 75 feet of the west wall.

Mr. Midget stated that he understands the concerns and he hopes that the applicant maximizes the transparency as much as possible. Mr. Midget further stated that he hopes that the developer understands the intent of the motion and not return with 16%.

Mr. Midget seconded Mr. Reeds' amended motion.

TMAPC Action; 10 members present:

On amended **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a transparency greater than 15% along the River/Trail sides of the building

in the north 75 feet of the west wall, subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1).

* * * * *

PUBLIC HEARINGS:

18. **Bent River –** Preliminary Plat, Location: South of the southwest corner of East 121st Street South and South Sheridan Road, (CD 8)

STAFF RECOMMENDATION:

This plat consists of 103 Lots, 5 Blocks, on 30 acres.

The following issues were discussed May 7, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 828.
2. **Streets:** Provide street names. Provide existing right of way width along East 126th Street with document number. In the Deed of Dedication, Section 1.7 Sidewalks, modify to read “provide along all streets” not just S. Sheridan. Include standard sidewalk language for residential subdivision plats.
3. **Sewer:** Indicate what the reserve areas are specifically for, within in covenants. If sanitary sewer is located in reserves a, c and e, and easement is required and reserve language in covenants. Between lot 13 and 14 indicate maintain adequate separation for sanitary sewer. 15 foot minimum width with pipe centered in easement. Provide contours on conceptual utility plan.
4. **Water:** Install proposed waterline on the south side of roadway. Install valves and hydrants.
5. **Storm Drainage:** Storm drainage easement required across lot 4 and lot 5, block 1, and lot 11 and lot 12, block 1.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Fire hydrant spacing will need to meet the requirement of IFC 2009 Section 507. This includes the adjacent Sheridan Road and 126th Street along the developed area.

8. **Other: GIS:** Show addresses of individual lots in plat, submit subdivision data control sheet with final plat, state and define basis of bearing and identify street names.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

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

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19. **Z-7292 – Plat Waiver**, East of the southeast corner of East 96th Place South and South 68th East Avenue, (CD 8)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from AG to RS-1. A lot split may be used for the site in the future.

Staff provides the following information from TAC for their May 7, 2015 meeting:

ZONING: TMAPC Staff: The property has been recently rezoned and is in an area that is surrounded by residential subdivision.

STREETS: There needs to be a right-of-way dedication, not mutual access easement. Show "to be dedicated by separate instrument". There needs to be a 10 foot utility easement access not to be part of dedicated street. Indicate the existing easements for Spring Valley and Saddlebrook subdivision lots.

SEWER: No comment

WATER: A water main line extension installed inside a dedicated right-of-way of East 97th Street South is required before the lot split (LS 20778) can have deeds released.

STORMWATER: No comment.

FIRE: If either lot constructs building then fire hydrants will be required to meet IFC 2009 section 507.

UTILITIES: No comment.

Staff can recommend **APPROVAL** of the plat waiver for the property with conditions. This is an unusual site as it is a site that is small and undeveloped in an area of mostly developed residential area.

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		
i. Is a main line water extension required?	X	
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?	X	
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- | | | | |
|-----|---|----|---|
| 7. | Floodplain | | 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.? | | X |
| | 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.

*Right of way dedication required.

Mr. Midget out at 3:54 p.m.

There were no interested parties wishing to speak.

Applicant was not present.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to **APPROVE** the plat waiver for Z-7292 per staff recommendation.

20. **PUD-168-10 – Eller & Detrich/Lou Reynolds**, Location: Northeast corner of East 83rd Street South at South Harvard Avenue, requesting a PUD Minor Amendment to modify Development Standards to allow a car and light truck service facility, **CS/RS-2/PUD-168**, (CD-8) **WITHDRAWN**

Withdrawn by the applicant.

OTHER BUSINESS

21. **Refund Request - CPA-35/AAB Engineering**, after review staff determined that the Comprehensive Plan amendment was not necessary. Staff recommends a full refund.

STAFF RECOMMENDATION:

Ms. Miller stated that this is a request for a refund. Once the application was reviewed it was founded that the changes were already made when the West Highlands/Tulsa Hills Small Area Plan was adopted.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to **APPROVE** the refund for CPA-35 in the amount of \$275.00.

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22. **Commissioners' Comments: None.**

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TMAPC Action; 9 members present:

On **MOTION** of **LIOTTA**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to **ADJOURN** TMAPC meeting 2698.

ADJOURN

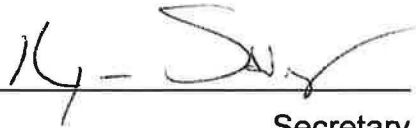
There being no further business, the Chair declared the meeting adjourned at 3:57 p.m.

Date Approved:

06-17-2015


Chairman

ATTEST:



Secretary