

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2699

Wednesday, June 3, 2015, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 28, 2015 at 3:31 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 welcomed Mr. Michael Willis to the Planning Commission, replacing Mr. Mark Liotta.

#### Director's Report:

Ms. Miller reported on the City Council agenda and current applications.

Ms. Miller reminded the Planning Commissioners that there will be an APA webinar for 2015 Planning Law Review, on Wednesday, June 24, 2015, at the Williams Tower I, St Francis Conference Room on the Plaza level, at 3:00 p.m. to 4:30 p.m.

1. **Minutes:**

**Approval of the minutes of May 6, 2015 Meeting No. 2697**

On **MOTION** of **CARNES**, the TMAPC voted 9-0-1 (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; Willis "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of May 6, 2015, Meeting No. 2697.

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**CONSENT AGENDA**

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

2. **LC-665** (Lot-Combination) (CD 1) – Location: Northeast corner of West Easton Street and North 39<sup>th</sup> West Avenue
3. **LC-666** (Lot-Combination) (CD 4) – Location: Northwest corner of East 11<sup>th</sup> Street South and South Troost Avenue
4. **LS-20785** (Lot-Split) (County) – Location: Southwest corner of East 96<sup>th</sup> St North and North Yale Avenue
5. **TCG Tulsa Campus –** Final Plat, Location: East of northeast corner of South Lynn Lane and East 51<sup>st</sup> Street South, (CD 6)

**STAFF RECOMMENDATION:**

This plat consists of 1 lot, one block on 10.87 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

6. **PUD-539-3 – Branch Communications**, Location: Northeast corner of East 11<sup>th</sup> Street South and South 123<sup>rd</sup> East Avenue, requesting a PUD Minor Amendment to modify the boundary between Development Areas B and C, **CS/OL/PUD-539**, (CD-6)

**STAFF RECOMMENDATION:**

**Amendment Request:** To modify the boundary between Development Areas B and C.

The applicant is proposing to shift the boundary between Development Areas B and C 36 ft to the North so that the entire area of a new cell tower and associated equipment may be contained within Development Area B.

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.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-539 and subsequent minor amendments shall remain in effect.

With the considerations listed above, staff recommends **APPROVAL** of the minor amendment request to modify the boundary between Development Areas B and C by shifting the boundary 36 ft to the North.

7. **PUD-667-5 – Sumina Goel**, Location: Northeast corner of East 113<sup>th</sup> Street South and South Delaware Avenue, requesting a PUD Minor Amendment to reduce the required rear yard from 25 feet to 10 feet, **RS-1/PUD-667, (CD-8) (Removed from Consent Agenda, see below)**

Mr. Covey announced that there are several interested parties wishing to speak on Item 7, PUD-667-5, therefore, Item 7 will be removed from the consent agenda.

**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, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; Midget “absent”) to **APPROVE** Items 2 through 6 per staff recommendation.

\* \* \* \* \*

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

Mr. Covey stated that the requests for continuances will be heard first.

**PUBLIC HEARINGS:**

8. **Crosstown Learning Center** – Minor Subdivision Plat, East of the northeast corner of East Archer Street and South Lewis Avenue, (CS 3) (Continued from May 20, 2015.) (**Continuance to 6/17/2015 requested**)

**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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor subdivision plat for Crosstown Learning Center to June 17, 2015.

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9. **Mayra's Addition** – Minor Subdivision Plat, East of the northeast corner of East 21<sup>st</sup> Street South and South Memorial Drive, (CD5) (Continued from May 20, 2015.) (**Continuance to 6/17/2015 requested**)

**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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor subdivision plat for Mayra's Addition to June 17, 2015.

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7. **PUD-667-5 – Sumina Goel**, Location: Northeast corner of East 113<sup>th</sup> Street South and South Delaware Avenue, requesting a PUD Minor Amendment to reduce the required rear yard from 25 feet to 10 feet, **RS-1/PUD-667**, (CD-8)

**STAFF RECOMMENDATION:**

Amendment Request: To reduce the required rear-yard from 25 ft to 10 ft to accommodate and allow a pool room addition.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.*

*“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-667 and subsequent minor amendments shall remain in effect.

With the considerations listed above, staff recommends **APPROVAL** of the minor amendment request to reduce the required rear yard from 25 ft to 10 ft.

Applicant is not present.

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

**Deborah Shallcross**, 11425 South College Avenue, 74137, stated that she appears today, not as a lawyer, but as a homeowner. Ms. Shallcross stated that her position is that this request should be denied. It is not a minor amendment to the PUD and she respectfully disagrees with staff recommendation. Ms. Shallcross read from the Zoning Code, Section 1101.E. Waterstone has fairly large houses on relatively small lots and the back of house is 30 feet from the lot line, which is more than the Code. The structure that the applicant wants to build is equivalent to building a 2,200 SF house ten feet from the lot line. Anything built that close to her home would loom over the back yard. The residents relied on the PUD and relied on the Zoning Code and respectfully request that this be denied. Ms. Shallcross concluded that she understands that the Waterstone Architectural Review Committee has denied the request for the pool cover/addition.

Mr. Midget in at 1:45 p.m.

**Harry Jacobs**, 11401 South Harvard Avenue, 74137 and lot owner of 11312 South Harvard Avenue, stated that he is a member of the HOA Board of Directors, and Chair person for the Architectural Review Committee. Waterstone HOA Board met last week with the applicants and after discussion their application was denied. Mr. Jacobs stated that to his knowledge there have not been any previous requests to go from 25 feet to 10 feet and this would set a precedent. Mr. Jacobs read the Tulsa Building Code, Section 1107.H.9. Mr. Jacobs pointed out that he

disagrees with the staff recommendation. Mr. Jacobs stated that there is not hardship here and he requested that this application be denied.

**Lori Tregoning**, 11302 South College Avenue, 74137, stated that she lives directly next to the subject property. Ms. Tregoning said that it is nothing against her neighbor, she loves her neighbors, but after seeing the plans yesterday she was very concerned at how close it is to the wall and the gate because it is directly after you come into the gate. Ms. Tregoning stated that while sitting on her back porch all she would see is this huge addition, which doesn't look like it matches what the covenants say should match. Ms. Tregoning requested that this application be denied.

**Roger Chasten**, 11415 South Louisville Place, 74137, stated that he is the President of the Estates of Waterstone, which is a neighborhood that is adjacent to Waterstone and pay dues into the Waterstone Neighborhood. The HOA wants to protect the integrity of their neighborhood, protect the value of their homes and protect the esthetics of the gate entry where this house is located. Mr. Chasten explained that his subdivision uses the Waterstone gate for entry to their homes. Mr. Chasten stated that everyone knows that there are covenants in the subject area and agree to the covenants when they move into the neighborhood. Mr. Chasten requested that this application be denied.

**Applicant's Rebuttal:**

**Prag Mahajan**, 11308 South College Avenue, 74137, stated that he wants privacy for his swimming pool. Mr. Mahajan stated that the PUD has been amended before and setbacks have been reduced. He further stated that his proposal has been designed by an architect and he will make sure that it meets the architectural requirements. Mr. Mahajan explained that all he is requesting is a modification of the setback and he will make sure that the structure meets the standards. Mr. Mahajan stated that he didn't receive a copy of the covenants until the time he sent the drawings to the Architectural Review Committee. He explained that all he had was a deed of dedication and he is meeting most of the requirements. Mr. Mahajan further explained that he would like to have privacy for his daughters and that is the reason for proposing the enclosure. Mr. Mahajan commented that he will be spending \$200,000.00 on the entire addition and it will not be bringing down the values of their homes and he doesn't want to bring down the value to his home.

Mr. Mahajan stated that he will be going back to the architect to meet the Architectural Review Committee's approval. He explained that he wouldn't be investing so much money if he is not given permission.

**TMAPC COMMENTS:**

Mr. Reed asked what the maximum height of a screening fence in the PUD. Mr. Mahajan wasn't sure of the maximum height.

Mr. Dix asked Mr. Mahajan if there was a masonry fence in the back of his property. Mr. Mahajan answered affirmatively. Mr. Dix asked how high the masonry fence or how tall is the masonry wall. Mr. Mahajan stated he would guess six to eight feet in height. Mr. Covey stated that he drives by the subject area everyday and he would assume it is six feet in height. Mr. Fretz stated that the site plan states that the masonry wall is 72 inches in height.

Ms. Millikin asked the applicant how tall the structure would be. Mr. Mahajan stated that it could be adjusted to meet the covenants, but as of now it is proposed to be a one story structure with windows and be architecturally pleasing.

Mr. Covey asked if there is an existing pool. Mr. Mahajan stated that there is a pool and it is already permitted by the City.

Mr. Dix asked if the pool is in use. Mr. Mahajan stated that the pool is not in use at this time. It is not functional at this time and he is waiting for the approval of the enclosure. Mr. Dix asked Mr. Mahajan if there was an event that caused him to make a decision that he wanted this enclosure. In response, Mr. Mahajan stated that he has been talking to most of his friends that have pools and found that he could use his pool more if it was enclosed. He further stated that his girls love the water and they will use the pool year round. Mr. Dix stated that there has been no other event to cause the need for the enclosure other than maximizing the use and investment by covering the pool. Mr. Mahajan stated that another point, Mr. Dix stated that he had enough and his question was answered.

Mr. Dix asked Mr. Jacobs how many other houses within this subdivision have enclosures over their pools. In response, Mr. Jacobs stated none.

Mr. Walker stated that Judge Shallcross brought up some compelling points, it this should be considered a major amendment. Mr. Walker asked how the major amendment versus minor amendment is computed.

Mr. Hoyt stated that for a building setback request it is generally a minor amendment, no matter the request. Usually a major amendment is triggered when the use is changed or completely changing the character of the development.

Mr. Covey stated that his point is that this was on consent and at what point would staff had said no. Mr. Hoyt stated that had it been nine feet

the applicant would have been over the easement and that wouldn't be allowed.

Mr. Fretz stated that one of his concerns is that this being so close and changing the integrity of the whole neighborhood. Mr. Fretz asked if TMAPC can overrule the Architectural Review Committee. Mr. Covey stated that this is two different issues and the Planning Commission isn't getting into the architectural issues.

Mr. Reeds asked if staff discussed any alternatives with the applicant, such as planting trees for privacy or an additional fence. Mr. Hoyt stated that he didn't discuss alternatives for privacy with the applicant.

Mr. Covey asked staff if they check to see if any other setbacks have been allowed within the PUD. Mr. Hoyt stated that he did check for other setbacks and there four requests, two were approved and two were denied.

Mr. Dix asked Mr. Jacobs if he remembers what the request for previous setbacks were for. Mr. Jacobs stated that he doesn't and he had been on the TMAPC archives and searched back to 2005 and found nothing. Mr. Jacobs stated that he does recall a couple of them that were for development.

Mr. Dix stated that he is not sure how this got on the consent agenda. He would have thought this would have been a serious enough issue with the opposition that seems to be had that it would not have been on the consent agenda and put on the public hearing portion of the agenda. Mr. Dix indicated that he can't support this application. There are six or seven pools visible in the aerial map and Mr. Jacobs indicated that there are none that are covered. Mr. Dix stated that he doesn't think the reason the applicant has given for wanting to put a minor amendment on the PUD is valid. Simply because he wants to use the pool more days in the year than weather allows and he doesn't think that is a valid reason. Mr. Dix stated that he is a big proponent of an owner wanting to do what he wants with his property unless it damages his neighbors. Mr. Dix believes that this would damage the neighbors because there are no other structures covering pools in this entire neighborhood. There are expensive homes in this neighborhood and to have one home with a covered pool next to a road damages the neighborhood. Mr. Dix stated that he doesn't see it necessary to allow the pool cover to use the pool more than the sun allows and he doesn't think it is a valid reason for the adjustment to the PUD. Mr. Dix concluded that he will be opposing this application.

Mr. Millikin stated that this is a close case. She commented that where this property is abutting another property she may not be able to support it



because it would be so close to the back yard of the neighboring property. In this case it is near a road that is the entrance to the neighborhood and it is a one-story structure and it could be tastefully done so that it blends in with style of Waterstone. Ms. Millikin stated that in this instance she believes she could support this.

Mr. Reeds indicated that he can't support this application. If the issue is to protect his daughter's privacy there are other ways to do it than to put a roof over their heads. Mr. Reeds commented that he doesn't believe that this design architecturally does not blend with the feel and context of the neighborhood.

Mr. Willis stated that without seeing examples of the four requests for setbacks and seeing some compelling evidence of how these have worked in the past in a seamless way in the neighborhood he would have to oppose this application.

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-1-0** (Carnes, Covey, Dix, Fretz, Midget, Reeds, Shivel, Stirling, Walker, Willis "aye"; Millikin "nays"; none "abstaining"; none "absent") to **DENY** the minor amendment for PUD-667-5.

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10. **LS-20782** (Lot-Split) (County) – Location: North of the northwest corner of West 161<sup>st</sup> Street South and South Elwood Avenue

**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts.

Technical Advisory Committee met on May 21, 2015. The County Engineer is requesting a 50' Right-of-Way Easement on South Elwood Avenue. Per subdivision regulations sidewalks should be constructed in non-existing or maintained if existing along South Elwood Avenue

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

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20782 per staff recommendation.

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11. **LS-20783** (Lot-Split) (CD 1) – Location: North of the northeast corner of West Newton Street and North 71<sup>st</sup> West Avenue

**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing AG (Agriculture) tract into three tracts.

Technical Advisory Committee met on May 21, 2015. The following comments were made: Fire Hydrants will be required per code if the lots have structures. Per subdivision regulations sidewalks should be constructed in non-existing or maintained if existing along North 70<sup>th</sup> Place West.

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

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20783 per staff recommendation.

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12. **7100 Riverside Parkway Revised** – Accelerated Building Permit,  
Location: West of Riverside Parkway, South of 71<sup>st</sup> Street South, (CD 2)

Stricken.

\* \* \* \* \*

13. **PUD 811** – Plat Waiver, Location: East of South Peoria, North of East 15<sup>th</sup>  
Street South, (CD 4)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning to PUD-811.

***Staff provides the following information from TAC for their May 21, 2015 meeting:***

**ZONING:** TMAPC Staff: The property has been previously platted. Typically a new plat would be required but items and requirements have been satisfied by separate instrument.

**STREETS:** An additional 5 feet of right of way required along 15<sup>th</sup> Street and 25 feet required at corner clip at intersection of 15<sup>th</sup> and Trenton.

**SEWER:** No comment.

**WATER:** No water service connections can be made onto the 24 inch water main line without approval.

**STORMWATER:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

Staff can recommend **APPROVAL** of the plat waiver as most requirements have been met for the platted property.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		
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		
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.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

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

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for PUD-811 per staff recommendation.

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14. **Z-7304 – QuikTrip/Michael Ward**, Location: Northeast corner of East Admiral Boulevard and North Yale Avenue, requesting rezoning from **RS-2/RS-3/OM/CS to CH**, (CD-3)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The applicant has acquired all of the lots included in the rezoning request for convenience store construction. The rezoning request will bring all of the convenience store ownership into the same zoning classification.

**DETAILED STAFF RECOMMENDATION:**

All zoning request included in Z-7304 are consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request in Z-7304 are non injurious to the existing proximate properties and,

All rezoning request included in Z-7304 are consistent with the anticipated future development of the surrounding property therefore,

Staff recommends **APPROVAL** of Z-7304 to rezone property from RS-2/RS-3/ OM/ CS to CH.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: CH zoning is the typical zoning applied in all Main Street areas throughout the neighborhood and in other Main Street areas throughout the City.*

Land Use Vision:

*Land Use Plan map designation: Main Street*

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

*Areas of Stability and Growth designation: 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:*

North Yale Avenue is a Secondary Arterial with a multi modal overlay. None of the other streets are shown on the Major Street and Highway Plan.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Several buildings exist on the parcel. Removal of those buildings will be required prior to redevelopment for a convenience store. A single lot facing Admiral Blvd is zoned OM and will not be adversely affected by this request.*

Environmental Considerations: No known environmental concerns that that would affect CH redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. Admiral Blvd. (off ramp for westbound traffic from 412)	No designation	50 feet	2
N. Yale Ave.	Secondary Arterial	100 feet	4
N. Allegheny Ave.	No designation	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is bordered on the west and north with CH zoning. The east border of the tract is zoned CS east of South Allegheny. The remaining parcel on the south side of the block is not part of the ownership and is zoned OM. The south side of the parcel is bordered by Highway 412.

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

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970, and 12299 dated November 22, 1971, established zoning for the subject property.

#### **Subject and Surrounding Property:**

**Z-3998 November 1971:** All concurred in approval of a request for rezoning 2 tracts of land from RS-2 to OM for office use, on property located on the east half of Lot 8, Lot 9 and west 60 ft. of Lot 11, Block 2, White City. Lots 8 and 9 are a part of the subject property and Lot 11 is not.

Mr. Wilkerson stated that there is one piece of property that the applicant doesn't own and the QuikTrip representatives have contacted the owners who are not interested in rezoning at this time.

#### **TMAPC COMMENTS:**

Mr. Walker asked staff how QuikTrip would be using the "B" Tract of land. Mr. Wilkerson stated that he doesn't have a specific answer to that right now, but he believes it will become surplus property. In response to Mr. Walker, Mr. Dix stated that he would guess that there is enough property in the "A" Tract to make their site plan adequate for their needs. Mr. Wilkerson stated that in straight zoning there is no requirement for a detail site plan.

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

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 1100, 74103, stated that he is representing QuikTrip Corporation. QuikTrip owns the entire block except for the one property zoned OM. The store will be located at the west end of the subject property and staff suggested that QuikTrip rezone the entire property for CH, which is consistent with the existing zoning on the subject block and neighborhood. The CH zoning would make it consistent with the development of the QuikTrip store and it is the kind of development expected in the subject area.

#### **TMAPC COMMENTS:**

Mr. Reeds asked if QuikTrip owns the southeast corner of Admiral and North Yale where the Sonic is located. Mr. Schuller stated that QuikTrip



doesn't own the Sonic property, but they do own the rest of the subject property minus the one lot zoned OM.

**INTERESTED PARTIES COMMENTS:**

**John Engle**, 4935 East Admiral Boulevard, 74115, stated that he owns the property zoned OM and it is his residence. Mr. Engle indicated that a couple of months ago he was contacted by a man who was interested in buying his property and he was willing to listen to offers, but then he received a notice for the rezoning on all of the other properties and was informed that they were not going to put in any offers for his property. Mr. Engle indicated that he is upset by this proposal because it appears he will be in the middle of a QuikTrip parking lot and can't imagine how difficult it will be to ever sell his house if he needed to. Mr. Engle stated that he would like to protest the rezoning.

**Heather Engle**, 4935 East Admiral Boulevard, 74115, stated that she purchased her home 13 years ago it was residential and never expected this type of thing to happen. This proposal will bring more traffic to the subject area and bring more crime to the subject area. Ms. Engle is concerned that this proposal will lower her property value and she has worked very hard to purchase this home. Ms. Engle indicated that her husband works two jobs and she works as well and are trying to follow the rules and do the right thing. Ms. Engle commented that this really feels bad to be up here and having to protect their property against a local company, which she has always supported. Ms. Engle stated that she feels that QuikTrip should be ashamed.

**TMAPC COMMENTS:**

Mr. Stirling asked Ms. Engle if her property was already zoned OM when she purchased it. Ms. Engle stated that it was already zoned OM and the previous owner had a home business, but she has never had a home business it has been strictly residential for her family and everything around her home was residential so she perceive this happening.

**Applicant's Rebuttal:**

Mr. Schuller stated that QuikTrip notified all of the owners property within 300 feet for a neighborhood meeting for May 18, 2015 and no one showed up for the meeting. Mr. Schuller further stated that the interested parties purchased their home with the zoning of OM and it is located in a main street area consistent with the Comprehensive Plan and development patterns in that area and it is obvious it would be commercial zoning, which is not inconsistent or not contrary to the existing OM intensities zoning of their property.

**TMAPC COMMENTS:**

Mr. Carnes asked Mr. Schuller how he would feel about possibly just rezoning Tract A because it doesn't look right to be rezoning property on both sides of someone. Mr. Carnes asked Mr. Schuller if that would take care of QuikTrip's needs. Mr. Schuller indicated that he needed to confer with his client.

Mr. Walker asked Mr. Schuller if he is representing QuikTrip on the subject site. Mr. Schuller answered affirmatively. Mr. Walker asked what the story is regarding Mr. and Mrs. Engle's property. Mr. Schuller stated that he hasn't been involved with any discussions with the Mr. and Mrs. Engle on that particular property, but he was informed by QuikTrip that they aren't interested in buying that property. Mr. Walker asked if an offer was made to Mr. and Mrs. Engle. Mr. Schuller deferred to Mr. Ward.

**Mike Ward**, representing QuikTrip acquisitions, 4705 South 129<sup>th</sup> East Avenue, 74134, stated that he understands that QuikTrip was trying to purchase the entire block and rezone it and somehow that didn't happen. The acquisition process has been going on for a couple of years. Mr. Ward explained that he is on the development side and was informed to move forward. Mr. Ward explained that the QuikTrip lot will not back up to their property line. Tract B is strictly surplus property for QuikTrip and a portion of Tract A will also be surplus property. Staff actually recommended that we go ahead and rezone Tract B to CH to make it cohesive.

Mr. Midget asked Mr. Ward if staff suggested that he rezone Tract B to CH. Mr. Ward answered affirmatively. Mr. Midget asked Mr. Ward if he would have left Tract B with the existing zoning since it is surplus property as far as QuikTrip is concerned. Mr. Ward Answered affirmatively. Mr. Midget stated that he understands that QuikTrip doesn't have any plans for Tract B and does have development plans for Tract A. Mr. Ward agreed with Mr. Midget's statement.

Mr. Dix asked if QuikTrip will have access off of Allegheny. In response, Mr. Ward answered negatively. Mr. Ward explained that QuikTrip plans to demolish the buildings that currently exist. Mr. Dix stated that Mr. and Mrs. Engle will have a residence sitting in the middle of QuikTrip property. Mr. Ward agreed with Mr. Dix's statement. Mr. Dix asked Mr. Ward that now that he knows the Mr. and Mrs. Engle have not been properly notified as should have been done by the QuikTrip personnel about whether they were interested in zoning or selling their property is any effort going to be made in that respect. Mr. Ward stated that he is strictly development and QuikTrip is looking to move forward at this point. Mr. Dix stated that he knows QuikTrip can move forward with Tract A and the property north of Tract A. Mr. Dix asked Mr. Ward if he was going to go back and

recommend that a good faith effort be made toward either meeting with Mr. and Mrs. Engle to decide whether they agree to go ahead and be included in this rezoning or selling their property. Mr. Schuller stated that he isn't sure what is going to happen, but if the property in the back is not rezoned commercial and left zoned residential he is not sure QuikTrip has any interest in acquiring the OM zoned property that Mr. and Mrs. Engle own. Mr. Schuller further stated that he has been told that QuikTrip has no intention of purchasing the Engle's property. If the zoning is denied on Tract B and remains residential, then QuikTrip really will not have any need to approach the Mr. and Mrs. Engle about acquiring their property for any kind of further development. Mr. Schuller stated that it maybe has a residential use, even though it has always been zoned OM.

Mr. Schuller submitted a conceptual site plan superimposed on a satellite image of the subject property to indicate where the new QuikTrip store will be located (Exhibit A-1). Mr. Dix stated that the parking lot for QuikTrip will not be up against the Engle's home.

Mr. Covey stated that he wants to make sure that he is clear that somebody from QuikTrip contacted the Mr. and Mrs. Engle about purchasing their property. Mr. Schuller stated that that is his understanding and that the discussions didn't go anywhere. Mr. Covey stated that if the zonings on Tract A and B are approved, then that puts QuikTrip in a much better negotiating position. Mr. Schuller stated that he doesn't know if it improves their negotiating position so much as it improves their future development of that area.

Mr. Midget stated that he can support the project with the exception of request to zone Tract B to CH. Mr. Midget further stated that he doesn't see a need to do that at this particular time. Mr. Midget commented that he believes that the QuikTrip project can all be accomplished in Tract A. Given the fact that there is residents living in a residential structure in between Tract A and B, and there is no clear indication of what QuikTrip is going to do with Tract B, and it's not clear if an offer was made to the property owners, why is there a need to change the zoning for Tract B. In the future if QuikTrip decides to develop Tract B, then they can come back. Mr. Midget stated that he can support the development absent changing Tract B.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of rezoning Tract A to CH for Z-7304 and recommend **DENIAL** of rezoning Tract B for Z-7304.

**Legal Description for Z-7304:**

Tract A: A TRACT OF LAND THAT IS ALL OF LOT SEVEN (7), LOT EIGHT (8), LOT NINE (9), AND LOT TEN (10), BLOCK TWO (2), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 5; THENCE SOUTH 01°13'30" EAST ALONG THE WESTERLY LINE OF SECTION 3 FOR 208.40 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 88°49'30" EAST ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 7, BLOCK 2, WHITE CITY ADDITION, AND ALONG SAID NORTHERLY LINE OF LOT 7, AND ALONG THE NORTHERLY LINES OF LOTS 8, 9 AND 10 FOR 435.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 01°13'30" EAST ALONG THE EASTERLY LINE OF SAID LOT 10 AND A SOUTHERLY EXTENSION THEREOF FOR 195.00 FEET TO A POINT ON THE CENTERLINE OF EAST ADMIRAL BOULEVARD; THENCE SOUTH 88°49'30" WEST ALONG SAID CENTERLINE FOR 435.00 FEET TO A POINT ON SAID WESTERLY LINE OF SECTION 3; THENCE NORTH 01°13'30" WEST ALONG SAID WESTERLY LINE FOR 195.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 84,825 SQUARE FEET OR 1.947 ACRES, MORE OR LESS.

\* \* \* \* \*

15. **CZ-441 – Jarrod Sanders**, Location: East of southeast corner of East 106<sup>th</sup> Street North and North Memorial Drive, requesting rezoning from **AG** to **RE**, (County)

**STAFF RECOMMENDATION:**  
**DEVELOPMENT CONCEPT:**

The applicant has requested single family residential zoning complimentary with the adjacent property east and north.

**DETAILED STAFF RECOMMENDATION:**

Tulsa County comprehensive planning efforts have never included this parcel or any land east of Memorial in this area however, CZ-441 is consistent with the land use designation in the City of Owasso Comprehensive Plan and,

CZ-441 is non injurious to the existing proximate properties and,

RE zoning is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends APPROVAL of CZ-441 to rezone property from AG to RE.

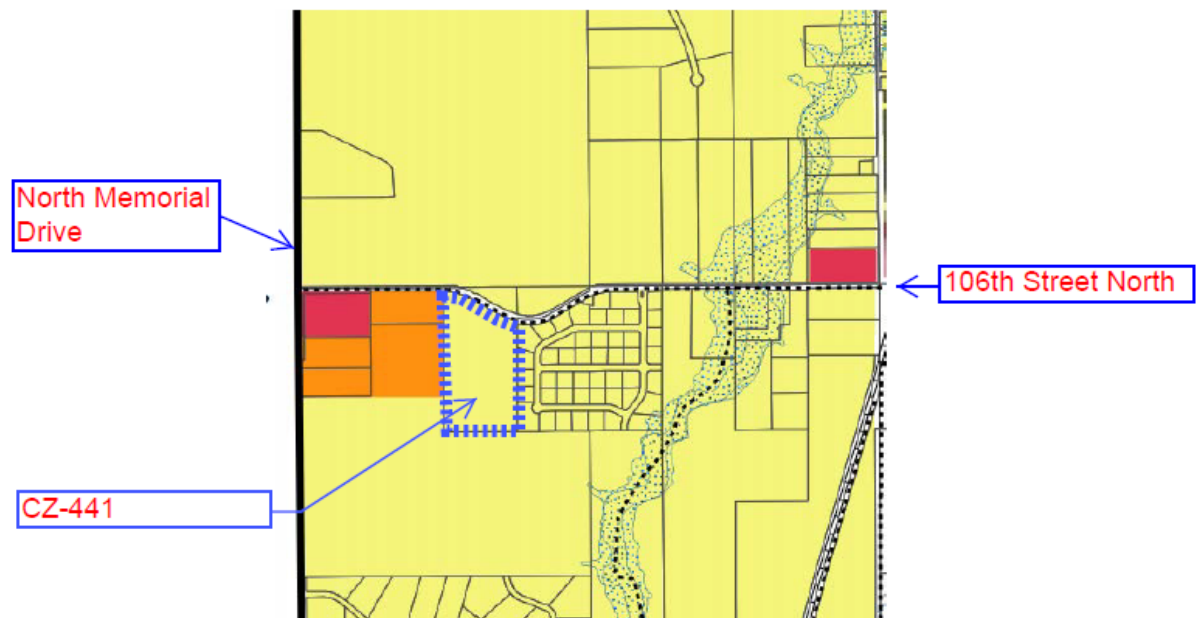
**SECTION II: Supporting Documentation**  
**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:**

CZ-441 is outside of the City of Owasso however the site is part of the Owasso Land Use master plan. Their plan indicates that the CA-441 is part of a large area that was anticipated to be single family detached housing. The west border of the site is abutting a transitional area and could contain multi family or other attached housing options.

City of Owasso staff supports the request however they have expressed concerns that the site will not connect to City sanitary sewer service. Current policy for the City of Owasso prohibits annexation after the subdivision is developed.

2030 GrOwasso Land Use Master Plan excerpt:



Land Use Vision:

*Land Use Plan map designation:* None in Tulsa County however the City of Owasso Comprehensive Plan recognizes this area a future Residential (single family detached housing)

*Areas of Stability and Growth designation:*

Transportation Vision:

*Major Street and Highway Plan:* 106<sup>th</sup> Street North is a secondary arterial street. The major street and highway plan does not illustrate any special overlay considerations for this street.

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The existing site is wooded undeveloped site with one residential structure.*

Environmental Considerations: None that would significantly impact development opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 106 <sup>th</sup> Street North	Secondary Arterial	100 feet	2

Utilities:

The subject tract **has** municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single family residential subdivision, zoned RE; on the north by undeveloped land in the City of Owasso, zoned RE; on the south and west by undeveloped property in Tulsa County, zoned AG;

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

N/A

***Surrounding Property:***

**CZ-286 October 2001:** All concurred in denial of a request for rezoning a 175± acre tract of land from AG to RS for residential use, and approval of RE zoning, on property located northeast corner and east of the southeast corner East 106<sup>th</sup> Street North and North Memorial Drive; and is now incorporated into the Owasso City limits.

**CZ-262 March 2000:** All concurred in denial of a request for rezoning a 36± acre tract from AG to RS and approval of RE, on property located east of the southeast corner of East 106<sup>th</sup> Street North and North Memorial Drive and abutting subject property to the east.

**INTERESTED PARTIES:**

**Carl Clay**, 10414 North 88<sup>th</sup> East Avenue, Owasso 74055; **Gary Cate**, 8801 East 104<sup>th</sup> Place North, Owasso, 74055.

**INTERESTED PARTIES COMMENTS:**

Both parties stated that they had concerns with stormwater issues and entrance into the subject property, but realize after reading the meeting pamphlet that this is not the meeting to discuss drainage issues but wanted to make the applicant aware of their concerns. Both parties stated that they are not opposed to homes being built, but oppose to the water problem and the entrance/exit of the subject property.

**Applicant's Rebuttal:**

**Alan Betchan**, AAB Engineering, LLC, PO Box 2136, Sand Springs, 74063, stated that he has had some discussion during the preliminary plat process with the County Engineer and there will be an entrance on the west side. Mr. Betchan stated that there will be a detention along the east side of the subject property, which will all be addressed during the development. The zoning requested is in keeping with the development that is currently happening in the subject area. This proposal is less intense than what could be allowed. Mr. Betchan stated that the proposal is for ½ acre or larger lots.

**TMAPC COMMENTS:**

Mr. Dix asked if there are any plans to straighten out the curve in the road because it is one of the most dangerous corners in Owasso. Mr. Betchan stated that there hasn't been any discussion. Mr. Betchan explained that the access point has been moved to be farther away from the blind corner and only a single point of access.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the RE zoning for CZ-441 per staff recommendation.

**Legal Description for CZ-441:**

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (W/2 NE/4 NW/4) OF SECTION THIRTEEN (13) OF TOWNSHIP TWENTY-ONE (21) NORTH AND RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND



MERIDIAN (I.B.&M.), ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF THE NW/4 OF SEC. 13, T-21-N, R-13-E, I.B.&M.; THENCE N 88°34'50" E ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 1326.61 FEET TO THE NW CORNER OF THE W/2 OF THE NE/4 OF SAID NW/4; THENCE S 01°24'08" E ALONG THE WEST LINE OF SAID W/2 NE/4 NW/4 A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE S 01°24'08" E A DISTANCE OF 1288.54 FEET TO THE SW CORNER OF SAID W/2 NE/4 NW/4; THENCE N 88°32'31" E A DISTANCE OF 661.61 FEET TO THE SE CORNER OF SAID W/2 NE/4 NW/4; THENCE N 01°19'43" W ALONG THE EAST LINE OF SAID W/2 NE/4 NW/4 A DISTANCE OF 1004.28 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF EAST 76TH STREET NORTH AS DESCRIBED IN BOOK 825 AT PAGE 383; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY (UNTIL OTHERWISE NOTED) BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 439.20 FEET, A CENTRAL ANGLE OF 12°35'56", A CHORD LENGTH OF 96.38 FEET, A CHORD BEARING OF N 71°05'33" W, FOR A DISTANCE OF 96.58 FEET; THENCE N 64°47'45" W A DISTANCE OF 490.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 288.30 FEET, A CENTRAL ANGLE OF 26°44'10", A CHORD LENGTH OF 133.31 FEET, A CHORD BEARING OF N 78°09'51" W, FOR A DISTANCE OF 134.53 FEET; THENCE S 88°34'50" W A DISTANCE OF 4.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 17.59 ACRES, MORE OR LESS, Tulsa County, State of Oklahoma

\* \* \* \* \*

16. **PUD-832 – Alan Betchan**, Location: East of the northeast corner of West 71<sup>st</sup> Street and Highway 75, requesting a PUD for medical and office development, **OL/CS to OL/CS/PUD-832**, (CD-2)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-832**

**DEVELOPMENT CONCEPT:**

PUD 832 is a Planned Unit Development overlay of an existing OL and CS zoned parcel (see Exhibit A for existing zoning map) along the north side of East 71<sup>st</sup> Street South east of Highway 75. The site encompasses the area between the recently constructed QuikTrip convenience store and the Legends Assisted Living as well as the majority of the undeveloped land north of the QuikTrip tract. The developer is under contract for the entire parcel and plans to start construction of a micro-hospital on the portion of the property fronting 71<sup>st</sup> Street. The balance of the property will

develop as users become available. The conceptual site plan for the project can be seen in the attached Exhibit B.

The PUD consists of single development area allowing uses customarily allowed within the underlying zonings, though the full assortment of uses allowed within CS are permitted across the entire PUD. The primary reason for the PUD is to allow lots without street frontage to be platted on the northern portion of the property. These lots will derive their access from a private access road within the development.

## **SECTION II PUD-832 DEVELOPMENT STANDARDS:**

### **Land Area**

Net Lot Area	461,909 SF (10.60 ac)
Gross Lot Area	477,596 SF (10.96 ac)

### **Permitted Uses**

Uses permitted by right and special exception within CS zoning (including all uses customarily accessory thereto) **except** the following Use Units:

Use Unit 12a: Adult Entertainment Establishments

### **Maximum Building Area**

Use Units 12-20: 64,683 SF

(As calculated with a maximum floor area ratio of 0.5 for the underlying CS area)

All other permitted Uses: 169,151 SF

(As calculated with a maximum floor area ratio of 0.5 for the underlying CS and 0.3 for underlying OL area)

Maximum Cumulative: 169,151 SF

(As calculated with a maximum floor area ratio of 0.5 for the underlying CS and 0.3 for underlying OL area)

### **Minimum Building Setbacks**

71<sup>st</sup> Street South 17.5'\*

\*Add ½ of the required street right of way as defined on the Major Street and highway plan to this dimension.

North Property Line 20'

Internal Property Line	5'
East and West Property Line	10'

**Maximum Building Heights:**

The maximum building height shall not exceed 75 feet from the finished floor elevation of the floor at the main entrance. Any building or portion of a building constructed within 100 feet of the north property line shall not exceed 35 feet as measured from the finished floor elevation at the main entrance.

**Landscaping:**

Minimum internal landscaped space      15%

The street yard tree requirement: 3 trees for each 1500 square feet of street yard facing West 71<sup>st</sup> Street South.

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

The site plan shall provide reasonable attempts to preserve the existing tree canopy on the site. Each site plan shall illustrate where the existing trees can be saved and the landscape plan will provide details for preserving trees where practical.

**Parking:**

Minimum parking will be provided with not less than 75% of the quantity defined by the use unit designation within the Tulsa Zoning Code.

**Vehicular Access and Circulation:**

The attached Exhibit D depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the northern most lots will be derived via the mutual access easement through the QuikTrip property to the traffic signal on 71<sup>st</sup> Street. There is a potential for future access to the properties contiguous to the eastern boundary and north of Legends Senior Living but no definitive plans for development have been set. It is our understanding this access is adequate for fire protection provided certain building height, construction type, and square footage limitations are met.

**Pedestrian Access:**

Pedestrian access with sidewalks will be provided between all lots connecting buildings and the entire site to the public sidewalk system on East 71<sup>st</sup> Street South.

**Subdivision Plat and Site Plan:**

A subdivision plat will be required for the entire project and shall be approved by City Council and filed with the Tulsa County clerk prior to release of a building permit. Retaining wall building permits may be released prior to filing the plat.

No Sign permit will be issued until a detailed sign plan is submitted and approved by the Tulsa Metropolitan Area Planning Commission.

**Signage:**

Signs shall be limited to the following:

- One double side project identification ground sign not exceeding 25' in height shall be permitted along 71<sup>st</sup> Street provided it does not exceed 200 square feet of display surface area per side. Signage for all tracts within the PUD will be allowed on this sign. No additional ground signs will be allowed in the street yard for any lot abutting West 71<sup>st</sup> Street South.
- One double side ground sign shall be allowed within each lot provided it does not exceed 20' in height or 75 square feet of display surface area per side.
- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed. No wall signage is allowed on the north or east facing wall of any building.
- No roof or projecting signs shall be permitted.
- Flashing signs, digital signs, changing copy signs, running light or twinkle signs animated signs, revolving or rotating signs or signs with movement shall be prohibited.

**Expected Development Schedule:**

Development of the first phase of the project is expected to begin in fall of 2015.

**DETAILED STAFF RECOMMENDATION:**

PUD 832 is consistent with the Land Use Vision of the Tulsa Comprehensive Plan and the West Highlands Small Area Plan and,

PUD 832 is in harmony with the existing and expected development of surrounding areas and,

The PUD provides a unified treatment of the development possibilities of the project site and,

The PUD is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code therefore,

Staff recommends **APPROVAL** of PUD-832 as outlined in Section II above.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The uses defined in the Mixed Use Corridor are consistent with the anticipated use in the PUD. The relationship of the buildings to the street as shown on to the conceptual plan are not completely consistent with the vision in the Land Use plan however the development standards for building setbacks will allow development closer to the street than what is shown.*

Land Use Vision:

*Land Use Plan map designation: Mixed-Use Corridor*

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 with single family neighborhoods.

### *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:* West 71<sup>st</sup> Street South is Primary Arterial with a commuter street overlay.

A commuter street is the most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements

Trail System Master Plan Considerations:

None except that the pedestrian connection system should encourage potential connections to the nearby trail and sidewalk network that connects to the Turkey Mountain Urban Wilderness and the River trail system.

Small Area Plan: West Highland Small Area Plan is effective April 2014 through resolution#2670:922

One of the Main priorities in the West Highlands Plan is the preservation of open space and the natural environment in future development. During the site plan and landscape plan process the PUD will require deliberate efforts to save and enhance some of the natural environment.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

*The site is heavily wooded and slopes from west to east. There is substantial fall across the site with more than 35' of relief across the property. The adjacent QuikTrip development built up their property, constructing large walls along its eastern and northern boundary. Olympia Medical Park, immediately west of the property, also built up their property with an access road along the eastern boundary raised nearly 15' above natural grade. The site will be benched to accommodate future pad developments as the site develops.*

*The attached Exhibit C depicts an aerial of the existing site as well as topography.*

*Near the southwest corner of the Site an outdoor advertising sign has been constructed. The sign may be on this site. There are no records with INCOG that define how this sign was permitted. TMAPC staff will encourage removal of that sign if during the remainder of the project it is determined that the sign was constructed illegally.*

*Existing Outdoor Advertising sign near the south west corner of PUD 832:*

(See Image Below)



Environmental Considerations:

Protection of the existing wooded features on the site is an important part of this project and will be considered in detail during site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 <sup>st</sup> Street	Primary Arterial	120 feet	8

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by an assisted care center, zoned RM-2 / PUD790; on the north by a rural residential community, zoned RS-3; on the south by Tulsa Hills Commercial Area, zoned CO; and on the west by Commercial and Office development, zoned OL, CS and CO with PUD 648, 648-A, PUD 783 and PUD 783-A.



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

**ZONING ORDINANCE:** Ordinance number 22801 dated January 29, 2013, established zoning for the subject property.

***Subject Property:***

**BOA-21581 June 25, 2013:** The Board of Adjustment approved a Variance of the minimum street frontage requirement to 0 ft to permit the platting of a panhandle parcel, with a mutual access agreement, zoned CS and OL (Section 603, Table 3), on property located at 717 W. 71<sup>st</sup> St. S. and is also known as the subject property.

**Z-7213 January 2013:** All concurred in approval of a request for rezoning a 10 $\pm$  acre tract of land from AG to OL/CS for mixed use medical, office and commercial, on property located east of northeast corner West 71<sup>st</sup> Street and South Olympia Avenue

**PUD-768-A Abandonment April 2011:** All concurred in approval of a proposed Planned Unit Development on a 6.39 $\pm$  acre tract of land to abandon PUD-768, to propose a new PUD-783 on property located east of northeast corner West 71<sup>st</sup> Street and Highway 75 and a part of the subject property.

**Z-7122/PUD-768 February 2009:** All concurred in approval of a request for rezoning a 6.39 $\pm$  acre tract of land from AG to OL/CS for hotel, retail and office, on property located east of northeast corner West 71<sup>st</sup> Street and Highway 75 and a part of the subject property.

***Surrounding Property:***

**Z- 7195/ PUD-790 March 2012:** All concurred in approval of a request for rezoning a 4 $\pm$  acre tract of land from AG to RM-2 and a Planned Unit Development for Use Unit 8 limited to Life Care Retirement Center and Assisted Living Facility, on property located east of northeast corner of West 71<sup>st</sup> Street and South Olympia Avenue

**Z-7177 September 2011:** All concurred in approval of a request for rezoning a .51 $\pm$  acre tract of land from CO to CS for QuikTrip to use as part of their site, on property located east of the northeast corner of Highway 75 South and West 71<sup>st</sup> Street South.

**PUD-783-A September 2011:** All concurred in approval of a Major Amendment to PUD-783 on a 2.69 $\pm$  acre tract of land to add to Development Area A and to allow for access between PUD-783 and Olympia Medical Park/PUD-648 to the west, on property located east of the northeast corner of Highway 75 South and West 71<sup>st</sup> Street.

**PUD-648-B April 2010:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South.

**Z-6001-SP-2/PUD-648-A June 2007:** All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South.

**Z-7052/PUD-738 May 2007:** All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development on property located at the southwest corner of West 71<sup>st</sup> Street South and South Elwood Avenue.

**Z-6001-SP-1/PUD-648 May 2001:** A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71<sup>st</sup> Street and U. S. High 75 South.

Mr. Wilkerson stated that he doesn't know how the existing outdoor advertising sign was allowed, because this use is not allowed within the PUD. In response to Mr. Stirling, Mr. Wilkerson stated that he believes that it is an illegal sign.

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

**Catherine Klehm**, 970 West 68<sup>th</sup> Street, 74132, stated that she owns five acres in the subject area that is platted as a farm. It is not currently used as an agricultural feature but it has that capability. Mrs. Klehm asked the Planning Commission to recognize this as a private residence and the PUD is coming up to the back fence. Anyone parking in the parking lot can look into her backyard and she has lost her personal privacy. Anyone can see her kids swimming in her pool that is parked in the parking lot. Ms. Klehm indicated that she has lived on her property for over 40 years. Ms. Klehm stated that there is a retention pond on the subject property and it is draining into her pond and silting it up.

Mr. Covey asked Ms. Klehm if she had any specific objections to the PUD. Ms. Klehm stated that she has been here on several occasions and have been assured that there would be a greenbelt between her property and the subject property. Ms. Klehm further stated that unless there is some kind of green belt on the north side she is opposed to this application.

**Applicant's Rebuttal:**

**Alan Betchan**, AAB Engineering, LLC, PO Box 2136, 74063, stated that he is not changing the underlying zoning. Today the north half of the subject tract is zoned OL and the south half is zoned CS. The purpose of the PUD is to allow the use and the square footage to be spread and allocated around throughout the PUD. This PUD provides more protection than the underlying zoning allows.

**TMAPC COMMENTS:**

In response to Mr. Midget, Mr. Betchan stated that this will be developed in phases and right now they are focused on the south-half that has the direct frontage on 71<sup>st</sup> Street. Mr. Betchan explained that the uses being looked at is all medical and he believes that this will be a place that is unique because it is still close to town, but out where there is lush greenery, but until there are site plans he couldn't state that there would be a greenbelt. Mr. Betchan commented that many times the subject has been brought up to save as many trees as possible.

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-832 per staff recommendation.

**Legal Description for PUD-832:**

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH 01°15'11" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND THE EAST LINE OF OLYMPIA MEDICAL PARK PLAT NO. 5567 A DISTANCE OF 659.52 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°15'11" WEST CONTINUING ALONG SAID WEST LINE AND SAID EAST LINE OF OLYMPIA MEDICAL PARK A DISTANCE OF 659.52 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°08'27" EAST ALONG SAID NORTH LINE A DISTANCE OF 528.00 FEET; THENCE SOUTH 01°15'11" EAST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 839.12 FEET TO THE NORTHWEST CORNER OF TULSA 71<sup>ST</sup> ALF PLAT NO. 6494; THENCE SOUTH 01°15'11" EAST ALONG THE WEST LINE OF TULSA 71<sup>ST</sup> ALF PLAT NO. 6494 A DISTANCE OF 480.00 FEET TO THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION TWO (2); THENCE SOUTH 89°09'01" WEST ALONG SAID SOUTH LINE A DISTANCE OF 196.10 FEET TO A SOUTHERLY EXTENSION OF THE EAST LINE OF QUIKTRIP NO. 0107 PLAT NO. 6426; THENCE NORTH 01°15'50" WEST ALONG SAID EAST A DISTANCE 366.01 FEET TO THE NORTHEAST CORNER OF QUIKTRIP NO. 0107 PLAT NO. 6426; THENCE CONTINUING NORTH 01°15'50" WEST A DISTANCE OF 293.54; THENCE SOUTH 89°08'44" WEST A DISTANCE OF 331.79 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 477596 SQUARE FEET, 10.96 ACRES MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Mr. Wilkerson stated that he will be presenting Items 17 and 18 together:

17. **PUD-716-A – Kevin Vanover, P.E.**, Location: South side of East 81<sup>st</sup> Street South, west of South Garnett Road (10704 E 81<sup>st</sup> St S), requesting PUD Abandonment, **CO/PUD-716 to CO/PUD-716-A**, (CD-7)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-716-A Abandonment**

**DEVELOPMENT CONCEPT:**

The applicant is proposing to abandon PUD-716-A and replace development standards that were established in the PUD with a new Corridor Development Plan and development standards to support a mixed use project including offices and assisted care living center.

The site was previously zoned Corridor with a PUD overlay.

**PUD-716-A Abandonment DEVELOPMENT STANDARDS:**

All of PUD 716-A will be abandoned and replaced with new development standards as defined in related Z-6054-SP-9

**DETAILED STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the request to abandon PUD-716-A as outlined in Section I above.

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site and proposed development is part of a larger Town Center and is consistent with the Town Center Vision identified in the Comprehensive Plan. Abandonment of the PUD will not have an effect on the development of this site as related to the Comprehensive plan.*

### Land Use Vision:

*Land Use Plan map designation:* Town Center

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

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

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

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

excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

*Major Street and Highway Plan:*

No special considerations are given to the 81<sup>st</sup> Street corridor at this location.

*Trail System Master Plan Considerations:*

The Mingo trail is within ½ mile of the west edge of the project. Further study during the site plan phase of the project may reveal opportunities to connect to the existing trail system.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is vacant with grass vegetation and modes slopes. There are no significant development constraints except for the existing utility/pipeline easements that bisect the southeast corner of the property.*

Environmental Considerations: No known environmental concerns or development constraints.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 81 <sup>st</sup> Street South	Secondary Arterial	100 feet	4
South 107 <sup>th</sup> East Avenue	No designation	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by restaurant property zoned CO; on the north by an electrical substation, zoned CO; on the south by townhomes zoned CO; and on the west by Multi Family and a small commercial / restaurant site, also zoned CO / PUD 569-A.

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

**ZONING ORDINANCE:** Ordinance number 16451 dated October 11, 1985 (CO), and 21096 dated August 9, 2005 (PUD-716), established zoning for the subject property.

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

**PUD-716 August 2005:** All concurred in approval of a proposed Planned Unit Development on a 9± acre tract of land for commercial development, on property located west of the southwest corner East 81<sup>st</sup> Street South and South Garnett Road and also known as the subject property.

**Z-6989 June 1, 2005:** A request was made for rezoning a 9± acre tract of land from CO to CS, accompanied with PUD-716, for commercial development, on property located west of the southwest corner East 81<sup>st</sup> Street South and South Garnett Road. The applicant withdrew the application at the TMAPC meeting.

**Z-6054 July 1985:** All concurred in approval of CO zoning on a 137± acre tract that included the subject property and located in the southeast corner of East 81<sup>st</sup> Street and Mingo Valley Expressway.

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

**Z-6054-SP-6 April 2006:** All concurred in approval of a request for a Corridor Development Plan on a 10± acre tract of land for a neighborhood retail and office development, on property located on the southwest corner of East 81<sup>st</sup> Street and South Garnett Road and abutting the subject property to the east.

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

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

#### **TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the abandonment PUD-716-A per staff recommendation.

#### **Legal Description for PUD-716-A:**

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN NORTH (T18N), RANGE FOURTEEN EAST (R14E) OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER

OF SAID SECTION EIGHTEEN (18); THENCE S 89°04'29" W ALONG THE NORTHERLY LINE OF SAID SECTION EIGHTEEN (18) FOR 674.32 FEET; THENCE S 00°55'31" E FOR 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE S 01°16'37" E PARALLEL WITH THE EASTERLY LINE OF SECTION EIGHTEEN (18) FOR 705.01 FEET; THENCE S 89°04'29" W PARALLEL WITH THE NORTHERLY LINE OF SECTION EIGHTEEN (18) FOR 580.40 FEET; THENCE N 01°16'37" W PARALLEL WITH THE EASTERLY LINE OF SECTION EIGHTEEN (18) FOR 675.01 FEET; THENCE N 89°04'29" E FOR 15.79 FEET; THENCE N 00°55'31" W FOR 30.00 FEET; THENCE N 89°04' 29" E PARALLEL WITH AND 50.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SECTION EIGHTEEN (18) FOR 564.43 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 408703.96 SF OR 9.38 ACRES MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

18. **Z-6054-SP-9 – Kevin Vanover, P.E.**, Location: South side of East 81<sup>st</sup> Street South, west of South Garnett Road, requesting a Corridor Development Plan for office use, mini-storage use and an assisted living/retirement housing/life care retirement center, **CO/PUD-716 to CO**, (CD-7)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

Z-6054-SP-9 is part of a larger Corridor Zoning District that was approved with a PUD overlay. The original PUD did not support the proposed uses for an assisted care center at this location and will be replaced with this Corridor Development Plan.

The development plan will continue the private mutual access agreement that has been implemented east of this site and will allow a free flow of vehicular and pedestrian traffic through this site all the way to South Garnett Road.

**SECTION II Z-6054-SP-9**

**DEVELOPMENT STANDARDS:**

**Land Area:**

Development Area A:

Gross Land Area:	5.2 acres	226,456 square feet
Net Land Area:	5.2 acres	226,456 square feet



Development Area B:

Gross Land Area:	4.18 acres	182,137 square feet
Net Land Area:	4.18 acres	182,137 square feet

**Permitted Uses:**

**Development Area:**

Development Area A:

Uses permitted in **Use Unit 1, Area-Wide Uses by Right**; limited to Stormwater Detention Facility, Open Space and Landscaping Buffer; **Use Unit 8, Multifamily Dwelling and Similar Uses**; limited to Assisted Living Facility, Elderly/Retirement Housing, and Life Care Retirement Center.

Development Area B:

Uses permitted in **Use Unit 1, Area-Wide Uses by Right**; limited to Stormwater Detention Facility, Open Space and Landscaping Buffer; **Use Unit 11, Office, Studios and Support Services**; and **Use Unit 16, Mini-Storage**.

**Minimum Building Setbacks**

Development Area A:

North Boundary	85 FT (Centerline of 81 <sup>st</sup> Street)
East Boundary	20 FT (Corridor District)
South Boundary	20 FT (Development Area B)
West Boundary	20 FT (PUD-569A/Corridor District)

Development Area B:

North Boundary	20 Feet (Development Area A)
East Boundary	20 Feet (Corridor District)
South Boundary	30 Feet (Corridor District)
West Boundary	20 Feet (PUD-569A/Corridor District)

**Off-Street Parking**

Development Area A:

Off-Street parking will be provided at a rate of 0.5 per dwelling unit with a minimum number of 75 spaces.

Vendor parking will be provided at a rate of 1 per 10,000 to 200,000 S.F. plus 1 per each additional 200,000 S.F. of floor area.

Development Area B:

Off-Street parking will be provided at a rate of 1 per 300 S.F. of floor area.

No Vendor parking is planned however consideration will be given for circulation in the event of parcel deliveries.

**Maximum Building Floor Area:**

Development Area A:

Land Area per dwelling unit will be a minimum of 600 S.F. per dwelling unit.

Livability Space per dwelling unit will be a minimum of 200 S.F.

Development Area B:

Floor Area Ratio will be a maximum of 1.25

**Maximum Building Height:**

Development Area A:

Maximum Building Height                      75 Feet

Development Area B:

Maximum Building Height with 30' Setback for a 40 Foot tall building\*

\*Building height can increase 5 feet for every 5 feet of increased setback up to a maximum height of 55 feet.

**Signage**

Development Area A:

Business Signs

One (1) ground mounted monument sign shall be permitted along E. 81st Street S. with a maximum display area of 250 S.F. and a maximum height of 25 Feet. All business

signage will be subject to the provisions of the provisions of Section 1221.C of the Tulsa Zoning Code except as noted below.

#### Wall Signs

Each Building will have the ability to place signs on the fascia or canopies with the total sign area not to exceed 2 S.F. per linear foot of building along the wall the sign is to be attached.

#### Development Area B:

#### Business Signs

One (1) ground mounted monument sign shall be permitted along S. 107<sup>th</sup> E. Avenue with a maximum display area of 250 S.F. and a maximum height of 25 Feet. All business signage will be subject to the provisions of the provisions of Section 1221.C of the Tulsa Zoning Code except as noted below.

#### Wall Signs

Each Building will have the ability to place signs on the fascia or canopies with the total display surface area not to exceed 2 S.F. per linear foot of building along the wall the sign is to be attached.

#### Building Mounted Plaque Signs

A plaque style signs can be mounted to the building facade near the main entrance. Each building plaque sign shall be no larger than 7 S.F.

#### Ground Mounted Tenant Signs

Each building will be allowed a ground mounted sign to list the tenant located in each individual office building. Each sign shall be no more than 12 S.F. and no taller than 3 foot from the surrounding grade.

## **Building Features**

### Development Area A:

The exterior siding materials will include stucco, stone and cementitious lap siding. The roof will be architectural composite roofing. The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals.

The site is to be extensively landscaped. Usable outdoor spaces include manicured lawn and enclosed courtyards. There will be outside walking areas with integrated landscape features for the enjoyment of our residents and their families.

### Development Area B:

Use Unit (11) - All exterior walls, openings and roofing shall primarily consist of like materials and appearance. The exterior walls of each Office Building shall include a stone or brick veneer with the inclusion of stucco or EIFS. The exterior materials and appearance for the rear and side walls of any building shall be similar to and compatible with the front of the building. Architectural features may include metal or fabric awnings and wood accents

Use Unit (16) - All exterior walls and roofing facing public view shall primarily consist of like materials and appearance. The exterior walls of each unit facing public view shall include a stone or brick veneer with the inclusion of stucco or EIFS. The exterior walls of interior units shall be composed of metal fascia or CMU block. Architectural features of the buildings in public view may include metal or fabric awnings and wood accents.

## **Landscape Buffer and Screening**

The landscaping features within the project will exceed the minimum standards and maintained in the accordance with the requirements of the Landscape Chapter of the Tulsa Zoning Code.

A minimum 10 Foot wide landscape buffer will be installed along part of the south boundary of the PUD. Within the landscape buffer a large tree, as defined in the Zoning Code,

shall be placed between proposed buildings and the fencing. The quantity of the trees will be calculated assuming a minimum spacing of 30 feet along the face of the building however the trees may be grouped to provide more effective screening as select locations.

The landscape and screening concept will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and establish a landscaped buffer separating the project from the residences along the western boundary.

**Lighting:**

Light fixtures shall not exceed 25 foot in height whether building mounted or ground mounted.

All light standards including building mounted shall be hooded (full cut-off) lenses and directed downward. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at a ground level in adjacent public areas. Consideration of topography must be considered in such calculations.

Additionally as part of the Detail Site Plan review, an accurate lighting plan illustrating light poles and fixtures with a Photometric Plan will be provided illustrating height and fixtures facing down.

**Trash and Mechanical Areas:**

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

Trash dumpster areas shall be screened using construction materials similar to the materials used to construct the main project structures. The doors shall be covered with an appropriate covering containing a minimum of 90% opacity on the gate frames.

Dumpster enclosures shall be placed similar to the locations shown on Exhibit A.

**Outside Storage:**

There shall be no outside storage or recycling material, trash or similar materials outside of a screened receptacle. Nor shall trucks or trailer trucks be parked in public view unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage within public view.

**Vehicular Access and Circulation:**

The Corridor Development Plan is located a quarter mile east of US Highway 169 on E. 81<sup>st</sup> Street a quarter of a mile west of Garnett Road. The site is served by two drives that feed into the site from E. 81<sup>st</sup> Street S. as well as a drive on the S. 107<sup>th</sup> E. Avenue and a proposed mutual access drive on the eastern boundary to serve the future development. The internal circulation is sufficient for all fire apparatus and meets the IFC 2009 requirements for access to the building. A Circulation Plan has been included as Exhibit D.

**Pedestrian Access:**

Sidewalks will be constructed or installed to provide pedestrian access from E. 81<sup>st</sup> Street S. Internal circulation will likewise be provided connecting all buildings on site.

**Platting Requirement:**

The project will require that a plat be created and filed with Tulsa County. The platting process will proceed along with the Corridor Development approval process. The Plat will be a condition of Site Plan Approval.

**Site Plan Review:**

No individual building permit will be issued for any building a Detail Site Plan and Detail Landscape Plan has been submitted for each individual building (or buildings) to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved Corridor Development standards.

**Schedule of Development:**

It is anticipate the Development Area A will begin within the second half of 2015, or early 2016, after final approval of the Planned Unit Development, Detail Site Plan approval and the Platting of the Property. Development area B schedule is undetermined.

**DETAILED STAFF RECOMMENDATION:**

Z-6054-SP-9 is consistent with the Land Use Vision of the Tulsa Comprehensive Plan and,

Z-6054-SP-9 is in harmony with the existing and expected development of surrounding areas and,

Z-6054-SP-9 provides a unified treatment of the development possibilities of the project site and,

Z-6054-SP-9 is consistent with the stated purposes and standards of the Corridor chapter of the Tulsa Zoning Code therefore,

Staff recommends **APPROVAL** of Z-6054-SP-9 as outlined in Section I above.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is a small part of a larger Town Center and is consistent with the Town Center Vision identified in the Comprehensive Plan.*

Land Use Vision:

*Land Use Plan map designation: Town Center*

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

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

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is

beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

*Major Street and Highway Plan:*

No special considerations are given to the 81<sup>st</sup> Street corridor at this location.

*Trail System Master Plan Considerations:*

None, however the Mingo trail is within ½ mile of the west edge of the project. Further study during the site plan phase of the project may reveal opportunities to connect to the existing trail system.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is vacant with grass vegetation and modes slopes. There are no significant development constraints except for the existing utility/pipeline easements that bisect the southeast corner of the property.*

Environmental Considerations: No known environmental concerns or development constraints.



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 81 <sup>st</sup> Street South	Secondary Arterial	100 feet	4
South 107 <sup>th</sup> East Avenue	No designation	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by restaurant property zoned CO; on the north by an electrical substation, zoned CO; on the south by townhomes zoned CO; and on the west by Multi Family and a small commercial / restaurant site, also zoned CO / PUD 569-A.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 16451 dated October 11, 1985 (CO), and 21096 dated August 9, 2005 (PUD-716), established zoning for the subject property.

***Subject Property:***

**PUD-716 August 2005:** All concurred in approval of a proposed Planned Unit Development on a 9 $\pm$  acre tract of land for commercial development, on property located west of the southwest corner East 81<sup>st</sup> Street South and South Garnett Road and also known as the subject property.

**Z-6989 June 1, 2005:** A request was made for rezoning a 9 $\pm$  acre tract of land from CO to CS, accompanied with PUD-716, for commercial development, on property located west of the southwest corner East 81<sup>st</sup> Street South and South Garnett Road. The applicant withdrew the application at the TMAPC meeting.

**Z-6054 July 1985:** All concurred in approval of CO zoning on a 137 $\pm$  acre tract that included the subject property and located in the southeast corner of East 81<sup>st</sup> Street and Mingo Valley Expressway.

***Surrounding Property:***

**Z-6054-SP-6 April 2006:** All concurred in approval of a request for a Corridor Development Plan on a 10 $\pm$  acre tract of land for a neighborhood retail and office development, on property located on the southwest corner of East 81<sup>st</sup> Street and South Garnett Road and abutting the subject property to the east.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Corridor Development Plan for Z-6054-SP-9 per staff recommendation.

**Legal Description for Z-6054-SP-9:**

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN NORTH (T18N), RANGE FOURTEEN EAST (R14E) OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION EIGHTEEN (18); THENCE S 89°04'29" W ALONG THE NORTHERLY LINE OF SAID SECTION EIGHTEEN (18) FOR 674.32 FEET; THENCE S 00°55'31" E FOR 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE S 01°16'37" E PARALLEL WITH THE EASTERLY LINE OF SECTION EIGHTEEN (18) FOR 705.01 FEET; THENCE S 89°04'29" W PARALLEL WITH THE NORTHERLY LINE OF SECTION EIGHTEEN (18) FOR 580.40 FEET; THENCE N 01°16'37" W PARALLEL WITH THE EASTERLY LINE OF SECTION EIGHTEEN (18) FOR 675.01 FEET; THENCE N 89°04'29" E FOR 15.79 FEET; THENCE N 00°55'31" W FOR 30.00 FEET; THENCE N 89°04' 29" E PARALLEL WITH AND 50.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SECTION EIGHTEEN (18) FOR 564.43 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 408703.96 SF OR 9.38 ACRES MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**OTHER BUSINESS**

**19. Consider adopting resolutions finding two projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan:**

- a. Adopt resolution finding the 324 S Main Street (Palace Bldg) Project within Tax Incentive District Number One; City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2699:935.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **STIRLING**, TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the adoption of Resolution No. 2699:935 finding it in conformance with the City of Tulsa Comprehensive Plan.

- b. Adopt resolution finding the 23 W 4<sup>th</sup> Street (Newsprint Bldg) Project within Tax Incentive District Number One; City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2699:936.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the adoption of Resolution No. 2699:936 finding it in conformance with the City of Tulsa Comprehensive Plan.

\* \* \* \* \*

**20. Consider adopting revised "Policies and Procedures of TMAPC"**

**STAFF RECOMMENDATION:**

**POLICIES AND PROCEDURES  
OF THE  
TULSA METROPOLITAN AREA PLANNING COMMISSION**

**ARTICLE 1  
MEMBERSHIP AND OFFICERS**

- 1.1 Name.** The name of this Commission is the Metropolitan Area Planning Commission of Tulsa County, Oklahoma, commonly referred to as the Tulsa Metropolitan Area Planning Commission (the "Commission" or "TMAPC").
- 1.2 Number of Commissioners.** In accordance with the provisions of OKLA. STAT. tit. 19, §863.5, the TMAPC shall consist of eleven (11) members (individually a "Commissioner"), selected as follows: Six (6) are appointed by the Mayor of the City of Tulsa and

approved by the City Council, and three (3) are appointed by the Board of County Commissioners of Tulsa County. The Mayor (or a person designated by the Mayor as an alternate) and the Chairman of the Board of County Commissioners (or a person designated by the Chairman of the Board as an alternate) shall be ex officio members of the Commission and shall be entitled to vote on all matters.

**1.3 Term / Vacancies / Compensation.** Appointed Commissioners shall serve for terms of three (3) years, and shall continue to serve until their successors are appointed by the Mayor for City appointees or by the County Commission for County appointees. Vacancies occurring, otherwise than through the expiration of a term, shall be filled only for the unexpired term in the same manner as set out in Section 1.2 above. All appointed Commissioners shall serve without compensation and shall hold no other municipal or County office.

**1.4 Removal.** Once qualified, a Commissioner can thereafter be removed during such Commissioner's term of office only for cause and after a public hearing held before the governing body by which such Commissioner was appointed.

**1.5 Absentees.** In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten (10) regularly scheduled meetings (excluding work sessions) during a twelve (12) month period, the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

**1.6 Officers.**

(a) Annually, at the first regular meeting in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second vice Chair and a Secretary. No Commission member shall hold the same office for more than two (2) consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.

(b) The duties of the Chair shall include:

- (1) Presiding over meetings when present, unless the Chair designates another member to preside;
- (2) Appointing Commissioners to serve on other governmental agency boards and committees;
- (3) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to those committees;

- (4) Signing official documents of the Commission; and
  - (5) Representing the Commission before other governmental bodies, unless the Chair designates another Commissioner or a member of the TMAPC staff.
- (c) The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence.
- (d) The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First vice Chair's absence.
- (e) The Secretary shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. In addition, the Secretary shall:
  - (1) Read the opening statement and rules of conduct prior to the public hearing portion of the agenda;
  - (2) Collect and stamp exhibits of each meeting for the official record; and
  - (3) Attest the Chair's signature on all documents. In the event the Secretary is not present, the Chair or acting Chair may appoint another Commissioner to assume the Secretary's duties.
- (f) Each of the officers named above shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

## **ARTICLE 2**

### **MEETING PROCEDURES**

#### **2.1 Meeting Schedule and Agenda.**

- (a) The Commission shall meet regularly in accordance with its approved calendar, generally on the first and third Wednesday of each month in the Tulsa City Council Chambers or in another designated location.
- (b) Special meetings may be called at the request of the Chair. Such meetings shall be held in the regular meeting place of the Commission or in another designated location.

- (c) Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the official TMAPC schedule. Unless authorized by the Chair or the INCOG Land Development Services Manager, new items shall not be added to the final agenda after the agenda packet is mailed to the Commission.

**2.2 Notification.** The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.

**2.3 General Procedures.**

- (a) If a meeting procedure is not addressed by these Policies and Procedures, the Chairman shall decide the procedure based on the tradition of the Commission. The Commission may by majority vote establish a procedure differing from the procedure recommended by the Chair. The Chair and the Commission may refer to any book or treatise on rules of order or parliamentary procedure for guidance.
- (b) A member of TMAPC staff shall serve as TMAPC Recording Secretary. The TMAPC Recording Secretary shall keep complete minutes of all public hearings of the Commission and shall receive all District Court appeals from any Commission action.
- (c) When the public wishes to communicate with members of the Commission, the most appropriate way is through letter or e-mail correspondence to the TMAPC Recording Secretary, who will deliver it to the Commissioners. If an individual wishes to speak personally with the Commissioners, the individual must call the TMAPC Recording Secretary and leave a message to that effect. TMAPC staff will not release addresses or telephone numbers of Commissioners without the approval of the particular Commissioner. Ex parte communication is discouraged. (See Section 5.3 hereof)
- (d) The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant, TMAPC staff, or another interested party. Except for requests by TMAPC staff, a request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

## **2.4 Public Hearing Procedures.**

- (a) TMAPC staff recommendation on advertised matters shall be written and made part of the file (public record) five (5) days in advance of the advertised public hearing date.
- (b) Commissioners shall address only the presiding Chair for recognition and shall confine their remarks to the question under debate.
- (c) Any member of the public may address the Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.
- (d) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.
- (e) The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:
  - (1) The Chair announces the application.
  - (2) The Chair asks TMAPC staff for a summary of the case and the physical facts of the area involved. TMAPC staff presents its recommendation, together with the reasons for the recommendation, and whether the request is in conformance with the Comprehensive Plan.
  - (3) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes for a straight zoning application or twenty (20) minutes for rezoning application to a special district (PUD, Corridor, or other) or a joint zoning/special district application. If the applicant presents a significantly changed application from that submitted for TMAPC staff review (as determined by TMAPC staff and the Commission at the time of the presentation), such action is considered grounds for continuance.
  - (4) The Chair calls on interested parties or protestants. Those wishing to speak must use the sign-in sheet. Each speaker is allowed five (5) minutes to speak on an item; provided, however, the Chair may

further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

- (5) The applicant is given the opportunity to rebut, and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
  - (6) The Chair announces the public hearing is closed on the case and opens the review session, during which the Commissioners will discuss the case among themselves and make a recommendation.
  - (7) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission and permitted by the Chair.
  - (8) The vote shall be taken and the Chair shall announce the vote.
- (f) Before a motion is made, there shall be an opportunity for discussion of the case by the Commissioners and for each Commissioner to make comments. After a motion is made, there shall be further opportunity for discussion by the Commissioners, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Commissioner desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Commissioner suggesting the amendment may ask unanimous consent to modify the motion. If any Commissioner objects to the modification of the motion, the Commissioner proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.
- (g) The Commission shall not rehear a zoning application on the same property for a period of six (6) months after action on the application has been taken by the Commission.
- (h) The transmittal of applications for a zoning map amendment to the City Council or County Commission in those instances where the applicant, TMAPC staff and Commission are all in agreement and there are no



interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are drafted.

- (i) A motion to reconsider an item on which a vote has been taken may be made only by a Commissioner who voted with the prevailing side and can only be heard during the same meeting where the vote was taken or the next succeeding meeting. If a motion to reconsider is adopted, the Commissioners shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

## **2.5 Quorum and Votes Required.**

- (a) Six (6) Commissioners shall constitute a quorum for the conduct of any Commission business, except at work sessions where four (4) Commissioners shall constitute a quorum.
- (b) A modification of the Subdivision Regulations shall require the affirmative vote—of two-thirds (2/3) of the Commissioners present and voting. See Subdivision Regulations 1.10.4.
- (c) An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six (6) affirmative votes by the Commission. See OKLA. STAT. tit. 19, § 863.7.
- (d) Except as set forth above or as otherwise required by applicable law, any matter (zoning related or otherwise) coming before the Commission shall be decided by a majority vote of the Commissioners present.
- (e) In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council or County Commission as a tie vote, without recommendation.

## **2.6 Work Sessions.**

- (a) The Commission shall meet as a committee of the whole in a work session at the call of the Chair when applicable work items or educational opportunities arise. The Chair or the Chair's designee shall preside.
- (b) The purpose of the work session shall be to discuss work items and Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. Work sessions

may also be used to provide educational opportunities and to allow Commissioners a forum to discuss various planning matters outside of their normal work items.

- (c) The Commission shall take no final action on work items while in work sessions.
- (d) Public comments are not allowed at work sessions unless approved by the Chair prior to the meeting. The appropriate process is for a member of the public to contact TMAPC staff (Land Development Services Manager) who will communicate the request to the Chair.

### **ARTICLE 3 DEVELOPMENT REVIEW POLICIES**

#### **3.1 Applications.**

- (a) Sufficient supporting information shall be filed with an application in order for the TMAPC staff and Commission to evaluate the proposal. If TMAPC staff concludes that sufficient supporting information has not been provided, TMAPC staff shall consider the application as incomplete and shall not place the item on the agenda.
- (b) In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants in zoning cases to meet with owners of property in the area prior to public hearings. Failure of the applicant to meet with the neighbors may result in a continuance by the Commission.
- (c) In cases where the development plan (of a Planned Unit Development (PUD), Corridor (CO), or other development plan) that is recommended by the Commission differs from the plan that was submitted by the applicant, a revised plan reflecting the Commission's recommendation shall be prepared and submitted to the TMAPC staff for transmittal to the City Council or County Commission with the minutes of the meeting.

#### **3.2 Zoning Initiated by TMAPC.** As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.

#### **3.3 Subdivisions and Lot-Splits.**

- (a) As a general rule, the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities) and Open Air Activities (Use Unit 2.

Area-Wide Special Exception Uses) shall be waived by the Commission.

- (b) No lot-split applications which require modification of a provision of the Subdivision Regulations shall be processed on the consent agenda of the TMAPC. Such lot-splits shall require a ten (10) day written notice to abutting property owners (including lot owners separated only by a residential street).

### **3.4 Planned Unit and Corridor Developments.**

- (a) Applicants proposing developments using a combination of private street(s) and a variance of the required thirty feet (30') of frontage on a public street shall be required to develop their project as a PUD or Corridor Development, excepting a proposed townhouse development.
- (b) The staff of the TMAPC shall review and approve, approve with conditions or deny all detail sign and landscape plans and minor revisions to previously approved detail site plans unless specifically directed by the TMAPC to present the plans to the Commission for review. Prior to approval of any detail plans, the TMAPC staff shall ascertain that the plan complies with all PUD, Corridor Development and Zoning Code provisions. If the plan does not comply with such requirements, the TMAPC staff shall approve the plan subject to conditions which bring it into compliance or deny the plan. If the applicant or interested parties disagrees with the decision of TMAPC staff, they may appeal the decision as provided for in the Zoning Code.
- (c) Minor amendments to a Corridor Development Plan may be authorized by the Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan and the purposes and standards of Section 805, Zoning Code, City of Tulsa. Changes that would represent a significant departure from the development plan shall require compliance with the notice and procedural requirements of an initial development plan review and approval. The following shall be considered minor amendments:
  - (1) 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.

- (2) Limitation or elimination of previously approved uses provided the character of the development is not substantially altered.
- (3) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than fifteen percent (15%).
- (4) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than fifteen percent (15%).
- (5) Modification of the internal circulation system provided the system is not substantially altered in design, configuration or location.
- (6) Changes in points of access, provided the traffic design and capacity are not substantially altered.
- (7) Addition of customary accessory buildings and uses within the delineated common open space of a residential development area, including but not limited to swimming pools, cabanas, security buildings, clubhouses and tennis courts.
- (8) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within a residentially developed area including but not limited to a swimming pool, cabana, garage and tennis court, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.
- (9) Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Corridor Plan, the approved Corridor Standards and the character of the development are not substantially altered.
- (10) Lot-splits which modify a recorded plat and which have been reviewed and approved by the Technical Advisory Committee (TAC).

- (11) Home occupations which meet the requirements of Section 404.B Home Occupations, of the Zoning Code, City of Tulsa.
- (12) Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
- (13) Modifications(s) to approved screening and landscaping plans provided the modification(s) is not a substantial deviation from the original approved plan.
- (14) Changes from multifamily (apartments) to duplexes, townhouses or detached single-family, thereby reducing the number of permitted dwelling units.

Ten (10) days' notice of the public hearing shall be given for minor amendments by mailing written notice to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property.

If the Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Corridor Development Plan or otherwise change the character of the Development Plan significantly or that the cumulative effect of a number of minor amendments substantially alters the approved Development Plan, then the amendment shall be deemed a major amendment. Major amendments shall comply with the notice and procedural requirements of Section 804.C of the Zoning Code, City of Tulsa.

#### **ARTICLE 4**

##### **CITY OF TULSA COMPREHENSIVE PLAN**

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of OKLA. STAT. tit. 19, § 863.7. The Comprehensive Plan of the Tulsa Metropolitan Area was originally adopted on June 29, 1960, and was subsequently amended on numerous occasions. The current Comprehensive Plan for the City of Tulsa was adopted by the TMAPC on July 6, 2010 and approved by the Tulsa City Council on July 22, 2010 and retains various small area and functional plans. The 2010 Comprehensive Plan has been and will likely continue to be amended from time to time.

**4.1 Regularly Scheduled Updates and Maintenance.** The Comprehensive Plan states that the Land Use Plan and Stability and Growth Map "should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually." (p. LU-77) TMAPC staff will establish a system to track

all housekeeping amendments needed to reflect development approvals and present a Comprehensive Plan amendment to the TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Areas of Stability and Growth Map. It is expected that City of Tulsa will prepare an update to the Comprehensive Plan in five (5) year intervals based on new data and updated projections and recommending adjustments to the Plan.

**4.2 Small Area Plan Adoption process.** The Comprehensive Plan outlines a process for adoption of small area plans in the Appendix, pp. 9 & 10. It generally states that when the small area plan has been drafted, following the multi-agency review and public participation process, the draft plan document will be presented to the TMAPC at a work session. At the work session, the TMAPC will review the small area plan for content and consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. Notice must be published at least fifteen (15) days prior to the public hearing. The TMAPC will conduct the public hearing, consider the plan based on the findings of fact and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan. The same process and procedures shall be followed for adoption of Sector Plans (formerly known as Urban Renewal Plans).

**4.3 Privately initiated Comprehensive Plan amendments.**

**(a) Amendments of the Comprehensive Plan Generated by Proposed Zoning Changes.** During the initial review of an application to the TMAPC for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the deviation from the purpose and intent of the Comprehensive Plan is minor in nature, the application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment shall be set for hearing by the TMAPC and, if approved, the Comprehensive Plan shall be amended to reflect the approved land use as a part of the annual housekeeping amendments. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the proposal represents a significant deviation from the purpose and intent of the Comprehensive Plan, an application to amend the Comprehensive Plan shall be required to run concurrently with the application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment. In

such instance, TMAPC staff shall inform the applicant, within fifteen (15) days of receipt of the application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment, that an application to amend the Comprehensive Plan is required and shall provide an application form for completion by the applicant. The requirement for a concurrent application for Comprehensive Plan amendment may necessitate an extended timeframe of review.

- (b) **Other Amendments to the Comprehensive Plan.** Other amendments to the Comprehensive Plan may be initiated by the TMAPC upon request of TMAPC staff or an applicant. Should any person or entity request a text amendment of the Comprehensive Plan or a small area plan or a map amendment that pertains to property that is not under their ownership, the party requesting the amendment shall submit a Comprehensive Plan amendment application on the form provided by the TMAPC staff. The TMAPC staff shall review and present the application to the TMAPC within thirty (30) days of receipt of the application, and the TMAPC shall determine whether to initiate the requested amendment. Should the TMAPC initiate the requested amendment, the TMAPC staff shall, in coordination with City of Tulsa Planning staff, prepare a timeline for TMAPC staff review and recommendation regarding the proposal and shall submit the timeline to the TMAPC at its next scheduled meeting.

- 4.4 Relationship of various initiatives to the Comprehensive Plan.** It is the purpose and intent that the Comprehensive Plan be a guide for many initiatives, however, few necessitate being adopted as a comprehensive plan amendment. The table below provides guidance on how various initiatives should be reviewed and/or included in the Comprehensive Plan.

Items	Adopt as an Amendment	Issue Conformance statement
<b>Small area plans, neighborhood plans &amp; sector plans</b>		
Plan and Land Use Map	X	X
Goals, objectives, policies, recommendations	X	X
<b>Major Street and Highway Plan</b>	X	X
<b>Other types of plans, studies &amp; initiatives</b>		X
Capital Improvement Plans		X

#### **4.5 Amendments to Other Types of Plans, Studies and Initiatives.**

Other types of plans, studies and initiatives may necessitate a Comprehensive Plan conformance review, both at the time of their origin, as well as for future amendments. If a plan, study or initiative has been issued a statement of conformance with the Comprehensive Plan and/or adopted by the Commission, TMAPC staff will administratively review proposed amendments and review against applicable plan policies. TMAPC staff will issue an updated statement providing specific justification to support the proposed amendments if they are in fact in conformance with the Comprehensive Plan. If TMAPC staff finds proposed changes to be inconsistent with the Comprehensive Plan, a TMAPC staff report and draft statement of conformance will be developed and provided to the Commission for action.

### **ARTICLE 5 CODE OF ETHICS**

#### **5.1 Definitions.**

- (a) "Private benefit" means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.
- (b) "Organizational interest" exists when a Commissioner is an officer, director or board member of a company, business, or organization that takes an official position before the Commission.
- (c) "Ex parte communication" means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Commission.

#### **5.2 Conflict of Interest.**

- (a) A conflict of interest exists whenever a Commissioner:
  - (1) may receive a private benefit; or
  - (2) has an organizational interest regarding a matter before the Commission; or
  - (3) has any economic interest, directly or indirectly, in a matter before the Commission or in action to be taken by the Commission.

The possibility, not the actuality, of a conflict of interest governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*



- (b) A Commissioner experiencing a conflict of interest shall declare such Commissioner's interest publicly, abstain from voting on the matter, and shall refrain from any deliberations on the matter. When possible, the Commissioner should leave the public hearing room.
- (c) A Commissioner experiencing a conflict of interest shall not discuss the matter in any venue with any fellow Commissioner, TMAPC staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

### **5.3 Ex Parte Communication.**

- (a) Although not forbidden, ex parte communication has the potential to influence a Commissioner's decision on matters before the Commission. The Commissioner who receives ex parte communication must disclose such ex parte communication prior to or at the commencement of public discussion of the subject matter.
- (b) The Commissioner shall also evaluate whether, as a result of this communication, such Commissioner can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

### **5.4 Release of Information.**

- (a) No Commissioner or TMAPC staff member shall use or transmit to others for private benefit any information derived from Commission activities unless and until such information is made available to the public at large.
- (b) No Commissioner or any person appearing before the Commission shall knowingly misrepresent facts or distort or omit information for the purpose of achieving a desired outcome.

### **5.5 Appearance of Commissioners at City Council.**

- (a) Only a Commissioner designated by the Chair shall be the official spokesperson for the Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.

- (b) Nothing herein would deprive a Commissioner of the right to speak at a public hearing in the Commissioner's individual capacity subject to the following. If a Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:
  - (1) Though they are a Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and
  - (2) They have no authority to make representations regarding the Commission's public meetings, thought processes, or decision-making.

If a Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Commission has previously voted, he or she must notify all members of the Commission of that intention at least twenty (24) hours prior to the public hearing.

Date Adopted: June \_\_\_\_, 2015

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Chairman

ATTEST:

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Secretary

Ms. Miller stated that the revised Policies and Procedures were done to clean up the language and how the TMAPC operates today.

Ms. Miller stated that she will further look at expanding the notices for Comprehensive Plan amendments and bring that back at a later time for consideration.

Mr. Shivel stated that he appreciated the work that went into this, especially the time Mr. Covey spent reviewing and working on this. Ms. Miller stated that she wanted to thank Commissioner Covey too. Ms. Miller stated that he put a lot of effort into this and the formatting and the document is very clean.

Mr. Covey stated that he wanted to make it clear that the discussion regarding the Comprehensive Plan notices was to determine what areas should be noticed, etc. Depending on the outcome of that discussion, then the Policies and Procedures may need to be revised again.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **WALKER**, TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the adoption of the revised "Policies and Procedures of TMAPC" per staff recommendation.

\* \* \* \* \*

**21. Commissioners' Comments:**

Mr. Stirling asked if it would be appropriate for someone to reach out to Ms. Klehm from Stormwater Management and see if the adjacent property is or isn't draining into her pond. Mr. Midget indicated that it would be possible.

\* \* \* \* \*

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2699.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:19 p.m.

Date Approved:

07-01-2015

  
Chairman

ATTEST:   
Secretary