

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2704

Wednesday, August 19, 2015, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 13, 2015 at 2:37 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, 1st Vice Chairman, Dix called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Ms. Miller reported on the City Council agenda and actions. Ms. Miller further reported on upcoming agenda items for the TMAPC.

Ms. Miller stated that the new Zoning Code and the River Design Guidelines are ongoing projects and she will continue to give updates when available.

Mr. Midget asked what the spacing Councilor Henderson was asking the Planning Commission to look at. Ms. Miller stated that the City Council asked that he not really give a recommendation on a specific distance at first, but in his discussion she believes he said a mile. City Council requested that Councilor Henderson just to ask the Planning Commission to come up with a recommendation if it should increase. Ms. Miller explained that she is currently studying this issue and will bring it to the Planning Commission at a later date.

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1. **Minutes:**

Approval of the minutes of August 5, 2015 Meeting No. 2703

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker “aye”; no “nays”; none “abstaining”; Covey, Stirling, Willis “absent”) to **APPROVE** the minutes of the meeting of August 5, 2015, Meeting No. 2703.

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CONSENT AGENDA

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

2. **LS-20803** (Lot-Split) (County) – Location: South and East of the southeast corner of West 41st Street South and South 73rd West Avenue
3. **LC-693** (Lot-Combination) (CD 2) – Location: West of the northwest corner of West 57th Place South and South Union Avenue
4. **LS-20804** (Lot-Split) (CD 6) – Location: North of the northeast corner of East 11th Street South and South 161st East Avenue
5. **LC-694** (Lot-Combination) (CD 9) – Location: Southwest corner of East 41st Street South and South Rockford Avenue
6. **LS-20806** (Lot-Split) (CD 2) – Location: South of the southeast corner of East 101st Street South and South Delaware Avenue
7. **LC-216** (Termination of Declaration) (CD 4) – Location: West of the northwest corner of East 29th Street South and South Utica Avenue
8. **PUD-587-A-3 – Kevin Rea**, Location: North of the northeast corner of East 83rd Street South and South Urbana Avenue, requesting a PUD Minor Amendment to allow a ten-foot high wall in the rear yard, **RS-3/PUD-587-A**, (CD-8)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to allow a 10 ft high wall in the rear yard.

Walls in the rear yard are limited to 8 feet in height. The applicant is proposing to increase this to 10 feet for Lot5, Block 2 to permit a masonry wall as illustrated on the applicant's wall detail exhibit.

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

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-587-A and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow a 10 ft high wall in the rear yard.

9. **Z-7164-SP-1 – Texas Roadhouse/Douglas Druen**, Location: South of the southwest corner of West 81st Street South and South Olympia Avenue, requesting a Corridor Detail Site Plan for a new restaurant facility, **CO/Z-7164-SP-1**, (CD-2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 2.3 Acre site in a Corridor District for a new restaurant including one, one story building.

PERMITTED USES:

Uses permitted as a matter of right are Use Units 1, Area Wide Uses by Right; 10, Off Street Parking; 11, Offices and Studies, Including Drive-Thru Banking Facilities; 12, Entertainment and Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 15, Other Trade and Services, Limited to Dry Cleaning, Computer Repair, Data Processing Machine Repair and Electrical Repair Service; 18, Drive-In Restaurants; 19, Hotel, Motel and Recreational Facilities, Limited to Gymnasium, Motion Picture Theater (Enclosed) Health Club/Spa and Swimming Pool; 21, Limited to Private Streets, Service Roads, Storm Water Drainage, Storm Detention Facilities, Water Cisterns, Water Features, Wind Turbines and Open Spaces. The restaurant proposed for this project is allowed by right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Corridor Development Plan.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Corridor Development Plan.

LIGHTING:

Site lighting plans are provided. Site lighting, including building mounted shall not exceed 35 ft in height. All site lighting shall be hooded and directed downward and away from the east and south boundaries of the project to the extent that light producing elements and reflectors will not be visible to a person standing at ground level within abutting residential districts or residentially used property.

SIGNAGE:

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

SITE SCREENING AND LANDSCAPING:

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

PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays sidewalks along Olympia Avenue as well as internal pedestrian paths from the lot to the north to the proposed buildings and also adjacent to the proposed building.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **Z-7164-SP-1**. The site plan submittal meets or exceeds the minimum requirements of the Corridor Development Plan. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Corridor Development Plan, and the stated purposes of the Corridor Development Plan section of the Zoning Code.

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

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling, Willis "absent") to **APPROVE** Items 2 through 9 per staff recommendation.

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

PUBLIC HEARINGS:

10. **Open Arms Child Development Center –** Minor Subdivision Plat, Location: North of the northeast corner of East 51st Street South and South 177th East Avenue, (CD 6)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 3.7 acres.

The following issues were discussed December 4, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with Board of Adjustment case BOA-21265 including a church, child care center and recreational vehicles.

2. **Streets:** A total drive width of 40 feet will be allowed for this development (either one 40-foot wide two way drive or a one way 16-foot entry drive and a one way 24-foot exit drive). Drives need to match alignment with street across 177th Avenue. Left turn lane at drive will be required unless a warrant study proves operations on 177th will not degrade from traffic accessing the development during peak times. Sidewalks to be build as part of IDP (infrastructure development plan), not building permit. Discuss turn lane requirement with Doug Duke of Development Services.
3. **Sewer:** Since the existing sewer line in Stonegate will be utilized, a Sanitary Sewer District has to be created and the following fees will be assessed for the entire acreage: \$700/acre Broken Arrow Excess Capacity Fees, Administration fees for the City of Tulsa for 2.9% of the Broken Arrow fees, Trinity Creek Payback Contract Fees of \$640/acre, Stone Creek Farms Lift Station Use Fees of \$150/acre to be assessed during development approval.
4. **Water:** Additional easement may be required for water meter locations.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO may need additional easements.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Add north arrow to location map. Legal description does not close. (Section333d. Distance does not match legal. Change Bearing direction to follow the direction of the legal description. Basis of Bearing needs to be identified and include Coordinate System uses. Submit data control sheet. On location map show names of pending subdivisions in mile block. In covenants, Section IG3, change the first word on line 2 from By to be. Remove references to Department of Public Works. Confirm that existing Valor easement will not have superior or conflicting rights over general utility easement.

City Legal: Language must be corrected per City Legal comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mrs. Fernandez stated that the Board of Adjustment approved temporary recreational vehicles to be parked on the subject property with the limit of one year for the workers. Mrs. Fernandez further stated that the neighbors are also concerned about traffic and turn-lanes.

Applicant's Comments:

Mark Capron, Sisemore, Weisz & Associates, 6111 East 32nd Place, 74135, stated that the Pastor and Architect are present and wish to speak.

Mr. Fretz disclosed that he has had ex parte communication, but nothing was discussed that would affect his decision making.

Tim Dreier, 2604 South 96th East Avenue, 74129, stated that he is the Pastor of this church. Mr. Dreier further stated that he is present to answer any questions.

Greg Helms, 424 East Main Street, Jenks, 74037, stated that he is the Architect for the subject project. Mr. Helms indicated that this proposal has been before the BOA and that he tried to address all of their concerns.

TMAPC COMMENTS:

Mr. Shivel asked what the scope of the issues were and how were they resolved. Mr. Helms stated that one of the main concerns that they had was the recreational vehicles being parked on the subject property. The recreational vehicles are for a group from the Lutheran Denomination that travels around the country and volunteer on construction projects for various churches. This group brings recreational vehicles and lives on the site. This has been addressed with some screening fences along 177th East Avenue and distances off of the fence for a buffer. They also had some concerns with a turning lane and he is working with the City of Tulsa regarding this issue. Mr. Shivel asked if the neighbors were satisfied with the resolutions. Mr. Helms stated that they weren't necessarily satisfied.

Ms. Miller stated that the Board of Adjustment required that the recreational vehicles have to be removed in one year of the construction.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the minor subdivision plat for Open Arms Child Development Center per staff recommendation.

11. **Village Congregation** – Preliminary Plat, Location: West of the northwest corner of West 91st Street South and South Union Avenue, (CD 2)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 2.32 acres.

The following issues were discussed August 6, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 (residential single-family) with Board of Adjustment case 21163 for a church use.
2. **Streets:** Twenty five feet of right of way next to property line is also called out as 15 feet. In section 1.1 of covenants include right of way dedication. Include section on limits of no access in covenants.
3. **Sewer:** The septic easement needs to encompass the lateral field as well as the septic tank. Section 1-2 of the Deed of Dedication needs to include sanitary sewer along with all references to water and storm sewer. Section 1-2-f needs to be in its own section since it is a private easement and is not going to be maintained by the City of Tulsa. The septic easement can be closed after the owner has connected to the public sanitary sewer system. A 15-foot by 15-foot septic easement is not large enough, provide a larger septic easement.
4. **Water:** Add date of preparation stamp on face of plat. Use standard approved covenants language. No conceptual drawing submitted.
5. **Storm Drainage:** An on-site stormwater detention easement is required.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment without conceptual plan.
8. **Other: GIS:** Add section number 15 in middle of location map. Remove the extra parcel lines in the location map. Label project location. Submit control data sheet. Need address caveat. Fix legal description. Clarify bearing/distance label. Add in plat description title "An addition to the City of Tulsa, Tulsa County, Oklahoma. Add wording "date of preparation". **Airport:** Need site plan on the building for comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

INTERESTED PARTIES COMMENTS:

Janelle Robison, 1908 West 91st Street, 74132, submitted photographs (Exhibit A-1) along with reading a letter she had written the first time the subject property went through platting, dated 11/1/2010. Ms. Robison described the existing flooding situation that she has had since moving into her home. She expressed concerns that the church will cause more flooding problems. Ms. Robison explained that she has installed French drains and they are not able to hold all of the stormwater runoff. Ms. Robison stated that the subject property greatly contributes to the largest amount of runoff onto her property, which sits at a lower elevation. She is concerned that the church will lay asphalt or concrete on the subject property and possibly build more buildings. She expressed concerns about what type of sewage the church would have and of course it flowing downhill toward her home.

TMAPC COMMENTS:

Mr. Dix explained to Ms. Robison that the Planning Commission is only reviewing the plat today. Mr. Dix further explained that the Planning Commission isn't reviewing the detail site plan. Ms. Robison stated that she understands. Mr. Dix reminded Ms. Robison that the City of Tulsa would be reviewing the plat and they will ensure that no water runoff is any greater than it is presently.

Mrs. Fernandez stated that in the staff report there is mention of an onsite detention easement required for the subject site and there will be a review of the stormwater situation. Mrs. Fernandez further stated that there are two members of Development Services staff present today taking notes.

Applicant's Rebuttal:

J.R. Donelson, 12820 South Memorial Drive, Office 100, Bixby, 74008, stated that the plat was approved in 2010 and failed to file it at the County Courthouse. He explained that the church has met on the subject site prior to 2010 and continue to be there right now. The properties are higher than those on the south side of the street and that is simply by the nature of the topography. The usage being changed from residential to church use has been approved by the Board of Adjustment. The septic system is in place and has been in place for a number of years and that is

one of the things that the Health Department has asked to be looked at and it is being done. Mr. Donelson stated that the subject property receives stormwater runoff from property north of them and is passing through. Mr. Donelson explained that his client has to meet all of the City of Tulsa's Engineering Department before getting a release letter. Mr. Donelson stated that his client thought all of the approvals were still in place and started construction, but has ceased when asked to stop and get permits.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the preliminary plat for Village Congregation per staff recommendation.

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12. **Jenks Northwest Elementary –** Preliminary Plat, Location: North of the northeast corner of West 81st Street South and South Elwood Avenue, (CD 2)

STAFF RECOMMENDATION:

The plat consists of one lot, one block, on 24 acres.

The following issues were discussed August 6, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-742-A.
2. **Streets:** Plat title says City of Jenks. This is located in the City of Tulsa. If 50 feet of right-of-way is being dedicated by this plat call it out as such, otherwise prove reference such as book and page. If right-of-way is already dedicated then modify covenant in Section I A. Development Services staff have not seen traffic studies.
3. **Sewer:** A 17.5-foot perimeter easement is required for the platted area. Show the existing 30-foot sanitary sewer easement adjacent to the east boundary line of the plat. A sanitary sewer main extension is required to provide service to the proposed platted area.

Water: Submitted for approval as a private-looped water mainline with fire hydrants and fire flow meters.
5. **Storm Drainage:** no comment.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Remove parcel lines. Only display subdivision boundaries in the location map. Label four quarter sections as unplatted. Use metes and bounds to describe the boundary of the plat. Change the direction to stay consistent with the rest of the bearings for overland drainage easement. In location description, title of plat, add "An addition to the City of Tulsa, Tulsa County, Oklahoma". Put phone number and email for owner. Put engineers CA number and renewal date. Add a bearing value under the basis of bearing heading. There should be a 17.5-foot perimeter easement for this plat.

Airport: An aviation easement needs to be shown on the face of the plat and standard language for the easement in the covenants. There was a question about sound attenuation for the school but it is not required at this time.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

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

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

Applicant's Comments:

Carolyn Back, Wallace Engineering, 200 East Matthew Brady Street, 74103, stated that the small bump Mr. Carnes asked about was with the subject property when purchased. Ms. Back further stated that she believes that was originally to give access to the house on the back of the property to the north and her client doesn't own the bumped-out piece of property. Ms. Back addressed the comments from the August 6, 2015 meeting.

INTERESTED PARTIES COMMENTS:

Mel Hair, 7701 South Elwood, 74132, expressed concerns with the proposal and how it will affect his property. Mr. Hair requested that the Planning Commission to deny this application. Mr. Hair reiterated that there was a mistake in the address and location on a letter mailed out by the applicant regarding a group meeting. [Mr. Hair moved away from the microphone many times and it is difficult to hear his comments.]

Applicant's Rebuttal:

Ms. Back stated that the City of Jenks was a typo and she believes there was some confusion since it is for the Jenks Elementary, which wasn't caught when it came back from the surveyor. Ms. Back described the where the water lines and sewer mains are located and tied into. Ms. Back addressed the stormwater drainage issues and how they will be redirected to a stormwater pond. Ms. Back stated that the storm drainage ponds have to be designed to collect enough water for a major storm event. It will be designed per City of Tulsa standards and per the Engineer's standards. Ms. Back stated that she has worked both with the Tulsa Airport Authority and the Oklahoma Aeronautics Corporation Commission on permitting and approvals.

Ms. Millikin asked Ms. Back to address Mr. Hair's concerns about traffic jams and moving the access further to the north. Ms. Back the design has been pushed further south due the large ravine and due to the topography of the site. With the design it is hope that there will not be any traffic issues on Elwood because of the stacking will be in the back of the school.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the preliminary plat for Jenks Northwest Elementary per staff recommendation.

* * * * *

13. **Tulsa Senior Living Center** – Preliminary Plat, Location: West of southwest corner of East 81st Street South and South Garnett Road, (CD 7)

STAFF RECOMMENDATION:

The plat consists of 2 Lots, 1 Block, on 9.38 acres.

The following issues were discussed August 6, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 716 to be abandoned and new CO (corridor) zoning.

2. **Streets:** On 107 East Avenue there should be a total right of way of 50 feet, 25 feet from center line. If only 20 feet is currently available then dedicate additional 6 feet of right of way. 81st Street is a secondary arterial with 100 feet of right of way requirement, 50 feet from section line. Provide reference for right of way dedication along both 81st Street and 107th East Avenue. Street does not exist along the 298 feet of west property line where LNA is shown. Remove LNA and call out plat name of property to west.
3. **Sewer:** A sanitary sewer mainline extension must be constructed to serve the northern lot, and possibly the northern portion of the southern lot. You will need to get permission from the pipeline and communication line easement owners in order to cross the easements for sanitary sewer service line access to the existing sanitary sewer main. If the sewer main is extended from sanitary sewer manhole #630, then the developer must pay \$700 per acre Broken arrow Excess Capacity sewer fees; and \$1128.03 per acre Excess Capacity fees to the El Paseo Excess Capacity Sanitary Sewer Main extension contract, project #2841-E. A perimeter utility easement will be required along the west boundary line of the plat as well.

Water: Along South 129th East Avenue a 12-inch public water main line exists for future water service connections for the proposed building.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Only display subdivision boundaries in the location map. Add all missing subdivision s in location amp. Label the township, range, section, street names, scale, etc. in the location map. Submit control data sheet. Fix plat scale and written scale. In title of plat add "An addition to the City of Tulsa, Tulsa County, Oklahoma. Use larger and bolder text font. State basis of bearing for plat. Add addresses for lots. Add address caveat. Labe lot and block numbers. Legal needs to match plat. Need to verify plat for closure. Correct bearing and distances. There should be a 17.5 foot easement on the east and south. **Explorer Pipeline:** Agree to plat proposal.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

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

There are no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the Tulsa Senior Living Center preliminary plat per staff recommendation.

* * * * *

14. **PUD 271 H –** Plat Waiver, Location: Southeast corner of South 129th East Avenue and 43rd Place South, (CD 6)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to PUD 271 H.

Staff provides the following information from TAC for their August 6, 2015 meeting:

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

STREETS: Limits of No Access along 129 East Avenue need to be modified. Sidewalks required per subdivision regulations. Sidewalks shall be constructed along South 43rd Place and South 29th East Avenue within a dedicated easement or within the right of way, with a minimum of five feet in width, and constructed in accordance with City of Tulsa standards.

SEWER: No comment.

WATER: No comment.

STORMWATER: On-site stormwater detention easement will be required. Stormwater discharge must be directed to 129th Street and may exceed the street drainage criteria, if it does interception of runoff will be required before discharging to the street. Contact Michail Holmes, Senior Hydrologist, COT (City of Tulsa) Development Services.

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.	X	
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 are no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNRES**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the plat waiver for PUD-271-H per staff recommendation.

* * * * *

Mr. Dix stated that Items 15 and 16 will be presented together:

15. **Z-7310 – Tim Terral**, Location: Northwest corner of East 49th Street and South Peoria Avenue, requesting rezoning from **RS-3/OL to OL**, (CD-9)

STAFF RECOMMENDATION:

Myers-Duren Harley Davidson is proposing a parking lot expansion to their existing parking lot located on the northwest corner of East 49th Street and South Peoria Avenue. This 0.5409 acre PUD incorporates the existing parking lot as well as the two lots to the west of the existing parking lot, all fronting onto East 49th Street. The additional parking areas will incorporate an additional 120 feet of frontage along East 49th Street for a total of 195.16 feet of frontage on East 49th Street. The existing parking lot has 120.74 feet of frontage along South Peoria Avenue.

The purpose for the proposed parking lot expansion is twofold. First the expansion is needed to aid in removing vehicles from 49th Street during events and busy shopping days. There were 11 events during 2014 and the traffic on 49th Street could be problematic with parking on both sides of the street, making it difficult to navigate the street as well as for surrounding homeowners to back safely out of their driveways. In discussions with the surrounding homeowners, this was a concern voiced by several people. It is felt by adding an additional 35 parking spaces to

the existing parking lot (22 spaces, 57 spaces total), this should help to alleviate traffic concerns and congestion on 49th Street during events. The second reason for the requested expansion is to accommodate future building expansion. There is not a specific time line for this expansion, but the Myers-Duren building cannot expand to the south due to a 16 inch ONG gas line located along the north 15 feet of the proposed parking lots, thus the only option for building expansion is to the north. A second access point to 49th Street is also being proposed on the western portion of the project site. This access will be gated with a sliding gate of the same material as the screening fence to block views into the parking lot when closed. Additionally, this access point will only be open on Saturdays and during events, which are generally on Saturdays as well.

DETAILED STAFF RECOMMENDATION:

The Tulsa Comprehensive Plan recognizes this area as a Mixed Use Corridor which considers parking behind business along the Peoria corridor as an appropriate use. This concept is not exactly the relationship considered to be appropriate however over time it is anticipated that the Mixed Use Corridor will continue to expand west into the residential neighborhood allowing future business to build adjacent to Peoria. When that happens parking will ultimately be placed behind the businesses and therefore this zoning request is consistent with the long term vision of the Comprehensive Plan. OL zoning in conjunction with PUD 837 is consistent with the Comprehensive Plan; and

OL zoning in conjunction with PUD 837 is consistent with the existing development pattern north, east and south of the site however the encroachment into the neighborhood west of the site is not consistent with the Brookside Infill Development Recommendations at this location; and

In conjunction with a concurrent OL zoning request at this location the request with the standards outlined in Section II, the site is consistent with the Comprehensive Plan vision for this area. OL zoning alone is not consistent primarily because of the lack of protection provided to the existing surrounding Residential development; therefore

Staff recommends **APPROVAL** of Z-7310 to rezone property from RS-3/OL to OL but only in conjunction with PUD 837.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This project is well within the limits of the Mixed Use Corridor identified in the Comprehensive Plan however it is also within the Area of Stability which represents the single family character of the adjoining neighborhood. The eastern portion of the

PUD is inside the area of growth. The site is clearly on the edge of development however the PUD over a proposed expansion OL zoning is an appropriate transition from the single family residential neighborhood to the Peoria Corridor.

Land Use Vision:

Land Use Plan map designation: The entire site is classified as a Mixed Use Corridor.

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

Areas of Stability and Growth designation: The entire site is classified as an area of Growth on the East 1/3 rd of the site and an area of Stability on the West 2/3rd of the site. The area of stability represented the existing condition at the time of the comprehensive plan when single family residential homes were on those lots.

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.

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

Transportation Vision:

Major Street and Highway Plan:

East 49th Street South is a non arterial street however this site is just west of South Peoria which is a Bus Rapid Transit corridor and a Multi Modal primary arterial street. Providing sidewalk access along 49th to provide safe pedestrian access from the neighborhood to the multi modal corridor is an important consideration to the walkability of this neighborhood.

Fast Forward Regional Transit Plan:

A major transit improvement will be made in the next three years with the *Peoria Bus Rapid Transit* project. As such, land uses near the stations should consider higher density transit-oriented development patterns that would take full advantage of the 15-minute frequency of transit on this corridor. The nearest station to this location will be ~150' south of I-44.

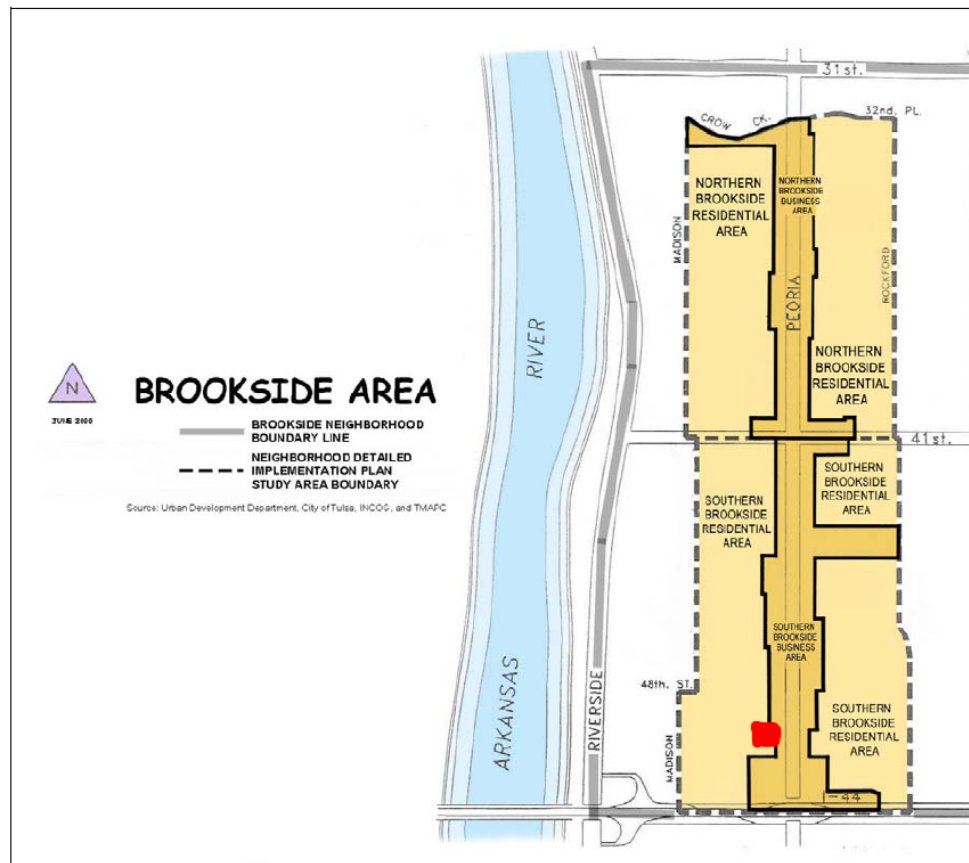
Trail System Master Plan Considerations:

This site is within one half mile of the Riverparks Trail System. Sidewalks will be required to the 49th street right of way during the plat or plat waiver process.

Special District Considerations:

This site is included in the Brookside Infill Neighborhood Detailed implementation Plan. The specific rezoning request is part of the Southern Brookside Residential Area and was originally considered an area that should preserve existing residential development patterns.

EXHIBIT 1 -
BROOKSIDE
AREA



DESCRIPTION OF EXISTING CONDITIONS:

***Staff Summary:** The requested PUD and related zoning will continue an encroachment into the eastern edge of a single family residential neighborhood as supported in the Comprehensive Plan. Removal of homes and the existing tree canopy will significantly affect the character of the neighborhood along East 49th. The Comprehensive Plan recognizes the significance of maintaining the character of the neighborhood but it also considers this area as a potential expansion of the Mixed Use Corridor in this location. Sidewalk construction, significant screening standards, landscaping and lighting standards within the PUD will provide some improvements to the street right of way in South 49th East Avenue and create a design standard that can be implemented within the Mixed Use Corridor along Peoria.*

The Brookside Infill Design Recommendations Plan that were part of the Brookside Infill Plan however that document was prepared prior to the Tulsa Comprehensive Plan. Staff supports the design

concepts identified in the PUD and the Infill Design Recommendations. Staff also supports commercial expansion west of Peoria as defined in the Mixed Use Corridor of the Tulsa Comprehensive Plan.

Site Analysis: The subject property is approximately 0.54+ acres in size and is located west of Peoria on the north side of East 49th Street South. The eastern portion of the property is a surface parking lot now the western portion of the site was a single family residential site that has been removed so the site is now vacant.

Environmental Considerations: There is no terrain or obvious environmental considerations that would affect the development of this site.

Topography and Drainage

The existing topography is essentially flat with drainage generally flowing to the south and east towards East 49th Street and South Peoria Avenue. The existing parking lot is served with storm sewer and no on-site detention will be required.

Soils

The on-site soils are typical for the area and will create no unusual developmental problems.

Landscape/Vegetation

The site currently has an existing parking lot and landscaping in the eastern third of the site. The middle third of the site has had the residence removed and is open with grass and no other vegetation. The western third of the site currently has a residence that will be removed and 3 existing trees, two in the back yard and one in the front.

No obvious attempt has been made to save the existing trees.

Surrounding Properties: The subject tract is abutted on the east by a surface parking lot, zoned OL; on the north by Myers-Duren Harley Davidson, zoned CH; on the south by a single family residence, zoned RS-3; and on the west by single family residential, zoned RS-3.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary Arterial	100 feet	4 with center turn lane
East 49 th Street	None	50 feet	2

Utilities:

Existing water lines run the length of the East 49th Street frontage, with a 36-inch water line located on the north side of the street and a 6-inch water line located on the south.

An 8-inch sanitary sewer line is located on the north side of East 49th Street and runs along the western two thirds of the property.

Storm sewer exists in the existing parking lot abutting South Peoria Avenue and flows north, tying into the storm sewer in the southeast corner of the Myers-Duren site. The proposed parking expansion will tie into this existing storm sewer.

AEP/PSO has overhead electric lines located on the north side of project site.

ONG has a 16-inch gas line located on the north side of property.

Surrounding Properties: The subject tract is abutted on the east by South Peoria, on the north by Myers-Duren Harley Davidson, zoned CH; on the south by East 49th Street South but across the street is a single family residence, zoned RS-3; and on the west by single family residential, zoned RS-3.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 (RS-3), and 21015 dated February 28, 2005 (OL), established zoning for the subject property.

Subject Property:

Z-7271 July 2014: Staff recommended for **approval** of a request for rezoning a 7, 244± square foot tract of land from RS-3 to OL, for a parking lot, on property located west of the northwest corner East 49th Street South and South Peoria Avenue. The Planning Commission recommended for **denial** of the request.

Z-6971 February 2005: All concurred in approval of a request for rezoning a 9,074± square foot tract of land from RS-3 to OL, for office use, on property located on the northwest corner East 49th Street South and South Peoria Avenue.

Surrounding Property:

Z-6176 December 1987: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the southwest corner of East 49th Street South and South Peoria Avenue.

Z-5715 August 1982: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the northwest corner of East 49th Place South and South Peoria Avenue.

Z-5133 August 1978: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the southwest corner of East 49th Place South and South Peoria Avenue.

BOA-2535 March 10, 1954: The Board of Adjustment approved a Special Exception to permit a two company fire station on Lot 21, on property located at the southwest corner of S. Peoria Ave. and E. 48th St.

Related Item:

16. **PUD-837 – Tim Terral**, Location: Northwest corner of East 49th Street and South Peoria Avenue, requesting PUD for off-street parking, **RS-3/OL to OL/PUD**, (CD-9)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

Myers-Duren Harley Davidson is proposing a parking lot expansion to their existing parking lot located on the northwest corner of East 49th Street and South Peoria Avenue. This 0.5409 acre PUD incorporates the existing parking lot as well as the two lots to the west of the existing parking lot, all fronting onto East 49th Street. The additional parking areas will incorporate an additional 120 feet of frontage along East 49th Street for a total of 195.16 feet of frontage on East 49th Street. The existing parking lot has 120.74 feet of frontage along South Peoria Avenue.

The property is bounded to the north by Commercial High Intensity District (CH) zoned land that is the location of the current Myers-Duren Harley Davidson site, to the west by Residential Single-Family High Density District (RS-3) zoned land that includes a single-family residence and to the south, directly across East 49th Street, by Residential Single-Family High Density District (RS-3) land that includes two lots with single-family residences and one lot with an office use zoned Office Low Intensity District (OL), located on the southwest corner of the intersection of East 49th Street and South Peoria Avenue. Further west of the proposed site the land is zoned Residential Single-Family High Density (RS-3) (See Exhibit

'C' - Surrounding Zoning and Land Use Plan). The current zoning for the existing parking lot is OL and submitted concurrently with this PUD application is a zoning request to re-zone the remaining land for the proposed parking lot expansion from RS-3 to OL.

The Tulsa Comprehensive Plan designates this site, and the land west and south of this site, as "Mixed Use Corridor". The Comprehensive Plan states: "Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses.....Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind." By this definition, it is felt that the existing parking lot and the proposed parking lot expansion, located on the south side of the existing Myers-Duren site, is compatible with the Mixed Use Corridor designation of the Comprehensive Plan (See Exhibit 'D' - Comprehensive Plan - Land Use Plan).

The purpose for the proposed parking lot expansion is twofold. First the expansion is needed to aid in removing vehicles from 49th Street during events and busy shopping days. There were 11 events during 2014 and the traffic on 49th Street could be problematic with parking on both sides of the street, making it difficult to navigate the street as well as for surrounding homeowners to back safely out of their driveways. In discussions with the surrounding homeowners, this was a concern voiced by several people. It is felt by adding an additional 35 parking spaces to the existing parking lot (22 spaces, 57 spaces total), this should help to alleviate traffic concerns and congestion on 49th Street during events. The second reason for the requested expansion is to accommodate future building expansion. There is not a specific time line for this expansion, but the Myers-Duren building cannot expand to the south due to a 16 inch ONG gas line located along the north 15 feet of the proposed parking lots, thus the only option for building expansion is to the north. The Conceptual Site Plan shows how the existing and proposed parking lots will look (see Exhibit 'A' - Conceptual Site Plan). A second access point to 49th Street is also being proposed on the western portion of the project site. This access will be gated with a sliding gate of the same material as the screening fence to block views into the parking lot when closed. Additionally, this access point will only be open on Saturdays and during events, which are generally on Saturdays as well.

There is extensive landscaping proposed for the overall parking area (see Exhibits 'E', 'F' and 'G'). Over twice the number of,

required, trees are being proposed as well as numerous shrubs, ground cover, seasonal color and turf, all of which will be irrigated by an underground sprinkler system. The overall amount of Landscaped Open Space exceeds the 15 % required minimum amount, based on a PUD with an underlying zoning of OL and proposes a minimum of 20% Landscape Open Space (Conceptual Landscape Plan shows 21.2%). Screening will be accomplished by a 6 foot wood fence with masonry columns along 49th Street and a 6 foot wood screening fence along the west and north boundaries. *Section V - Landscape Open Space* and *Section VII - Screening and Fencing* goes into more detail as to what is being proposed for the site. Lighting for the site will be an improvement over what exists today. Currently there are 6 - 20' light poles with metal halide lamps in the existing parking lot. The proposed lighting plan calls for the removal of these 6 poles and replacing them with two poles, one with one LED light head and the other with two. These newer LED lights provide adequate lighting with less off site infiltration than the metal halide lights, with fewer poles and light fixtures. The two proposed light poles are centrally located in the parking lot and not along the edges (see Appendix 'C' - Lighting). The parking lot lighting is proposed to be turned off at 9:00pm every evening.

SECTION III: PUD-837 DEVELOPMENT STANDARDS:

Statistical Summary:

Total Project Area	23,562 SF/0.5409 Acres
Total Number of Parking Spaces	57
•Existing Parking Spaces	19
•Proposed Parking Spaces	38
Total Open Space Area	
•Required	3,534 SF (15%)
•Proposed	4,712 SF (20%)

Development Standards:

Permitted Uses:

Use Unit 10 (Off street parking)

Maximum Floor Area:	N/A
Off-Street Parking	57 spaces
•Average parking space	8.5' x 18'

Landscaping and Open Space:

The proposed parking lot expansion will feature a significant amount of landscaped open space on the project site. The amount of landscaped open space will be a minimum of 4,712 SF, or 20%, of the project area. The Conceptual Landscape Plan (see Exhibit 'E') shows 4,995 SF (21.2%) of landscaped open space. The Conceptual Landscape Plan also shows the following required versus proposed trees in the various portions of the site:

Total Number of Trees		
-Required		11
-Proposed		25
•Street Yard Trees		
East 49 th Street		
-Required		2
-Proposed		8
South Peoria Avenue		
-Required		4
-Proposed		5
•Parking Lot		
-Required		5
-Proposed		12

As is evident, there are over twice the number of required trees being proposed. This does not include the various shrubs, ground cover, seasonal color and turf that will be installed as represented in the conceptual plan. The landscaped area along East 49th Street is shown to include a portion of the 49th Street Right-of-Way, to increase the area of potential landscaping. An underground irrigation system will be utilized in all landscaped areas to aid in the maintenance of the landscaping site wide. The final Detail Landscape Plan will match the size and spacing of the landscape plant materials as shown in Exhibit E - Conceptual Landscape Plan
* *“except as may be modified during site and landscape plan approval where the west driveway will be eliminated.”*

Lighting:

The 6 existing light poles with metal halide lamps in the current parking lot are to be removed and replaced with 2 centrally located light poles and 3 LED lamps (one on the west pole and two on the east). A Photometric Plan will be provided and prepared by the lighting contractor indicating no light penetration past the west and south boundaries.

Pole mounted light fixtures will not be placed higher than 16 feet above ground level.

Parking lot lighting will be turn off between 9:00 pm and 8:00 am.

Pedestrian Access:

Sidewalk improvements will include construction of new sidewalk along the north side of East 49th Street South along the frontage of the entire PUD boundary.

Vehicular Access:

The only vehicular access permitted to East 49th Street South will be where the existing driveway is located near the east boundary of the PUD.

Screening and Fencing:

A wood screening fence with a minimum height of 6 feet with masonry columns will be installed along the East 49th Street frontage (see Exhibit F: Proposed Fence Elevation - East 49th Street and Exhibit G: Perspective - East 49th Street Character Sketch). The fencing will have stained caps and trim that will tie into the Myers-Duren color scheme. The 7 foot masonry columns will tie into the Myers-Duren Art Deco architectural theme as well as the color scheme of the building.

A wood screening fence with a minimum height of 6 feet without masonry columns will be installed along the west and north side of the PUD as illustrated on Exhibit E: Conceptual Landscape Plan. The wood screening fence on the west side of the site will match the wood section of the fence detail shown on Exhibit A.

~~* "The west entrance to the proposed parking area on West 49th Street South will be a wood gate detail complimentary to the wood fence and may be sliding or a swing gate. The gate will remain closed except during special events permitted by the City of Tulsa and during normal business hours on Saturday." *~~

Signage:

No signage will be allowed within the PUD except the "Badge and Bar" emblem identified on the conceptual elevation. The maximum emblem size will be limited to 38 square feet. No words or letters will be allowed and the sign will not be illuminated.

Permanent information signage may be placed on the screening fence near the entrances to the parking lot reminding riders to "ride quiet in the neighborhood". Information signage will be limited to 4

signs, two on the north facing sides of the fence and two on the south facing sides of the screening fence. Those signs will be limited to 4 square feet each.

**“Special Event Standards:*

Special Events will be prohibited within the west 120 feet of the PUD.”

Solid Waste Disposal:

Refuse containers for business operations will be prohibited within the boundaries of the PUD. Temporary trash containers not exceeding 55 gallon capacity may be placed during events but must be removed within 24 hours of any event.

Platting Requirement:

The property is platted as Lots 1-3, Block 14, Riverview Village (Plat #1518), with all utilities in place and no need for any additional easements, thus a Plat Waiver Request has been submitted concurrently with this PUD application.

Detail Site Plan Review:

Detail Plans will be submitted as required by the City of Tulsa Zoning Code.

Schedule of Development:

Development of Myers-Duren parking lot expansion is expected to begin in the Fall/Winter 2015, after final approval of the appropriate Detail Plans and engineering design.

DETAILED STAFF RECOMMENDATION:

The Tulsa Comprehensive Plan recognizes this area as a Mixed Use Corridor which considers parking behind business along the Peoria corridor as an appropriate use. This concept is not exactly the relationship considered to be appropriate however over time it is anticipated that the Mixed Use Corridor will continue to expand west into the residential neighborhood allowing future business to build adjacent to Peoria. When that happens parking will ultimately be placed behind the businesses and therefore this zoning request is consistent with the long term vision of the Comprehensive Plan. PUD 837 is consistent with the Comprehensive Plan; and

PUD 837 is consistent with the existing development pattern north, east and south of the site however the encroachment into the neighborhood west of the site is not consistent with the Brookside Infill Development Recommendations at this location; and

In conjunction with a concurrent OL zoning request at this location the request with the standards outlined in Section II, the site is consistent with the Comprehensive Plan vision for this area. OL zoning alone is not consistent primarily because of the lack of protection provided to the existing surrounding Residential development; and

The PUD provides a unified treatment providing design standards that help integrate this business expansion into the neighborhood as recognized in the Comprehensive Plan and the Brookside Development Recommendations; and

PUD 837 is consistent with the stated purposes and standards of this Chapter; therefore

Staff recommends **APPROVAL** of PUD-837 as outlined in Section II above.

**** Note: Planning Commission recommended approval with the additional requirements noted above.***

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This project is well within the limits of the Mixed Use Corridor identified in the Comprehensive Plan however it is also within the Area of Stability which represents the single family character of the adjoining neighborhood. The eastern portion of the PUD is inside the area of growth. The site is clearly on the edge of development however the PUD over a proposed expansion OL zoning is an appropriate transition from the single family residential neighborhood to the Peoria Corridor.

Land Use Vision:

Land Use Plan map designation: The entire site is classified as a Mixed Use Corridor.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian

crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

Areas of Stability and Growth designation: The entire site is classified as an area of Growth on the East 1/3 rd of the site and an area of Stability on the West 2/3rd of the site. The area of stability represented the existing condition at the time of the comprehensive plan when single family residential homes were on those lots.

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.

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

Transportation Vision:
Major Street and Highway Plan:

East 49th Street South is a non arterial street however this site is just west of South Peoria which is a Bus Rapid Transit corridor and a Multi Modal primary arterial street. Providing sidewalk access along 49th to provide safe pedestrian access from the neighborhood to the multi modal corridor is an important consideration to the walkability of this neighborhood.

Fast Forward Regional Transit Plan:

A major transit improvement will be made in the next three years with the *Peoria Bus Rapid Transit* project. As such, land uses near the stations should consider higher density transit-oriented development patterns that would take full advantage of the 15-minute frequency of transit on this corridor. The nearest station to this location will be ~150' south of I-44.

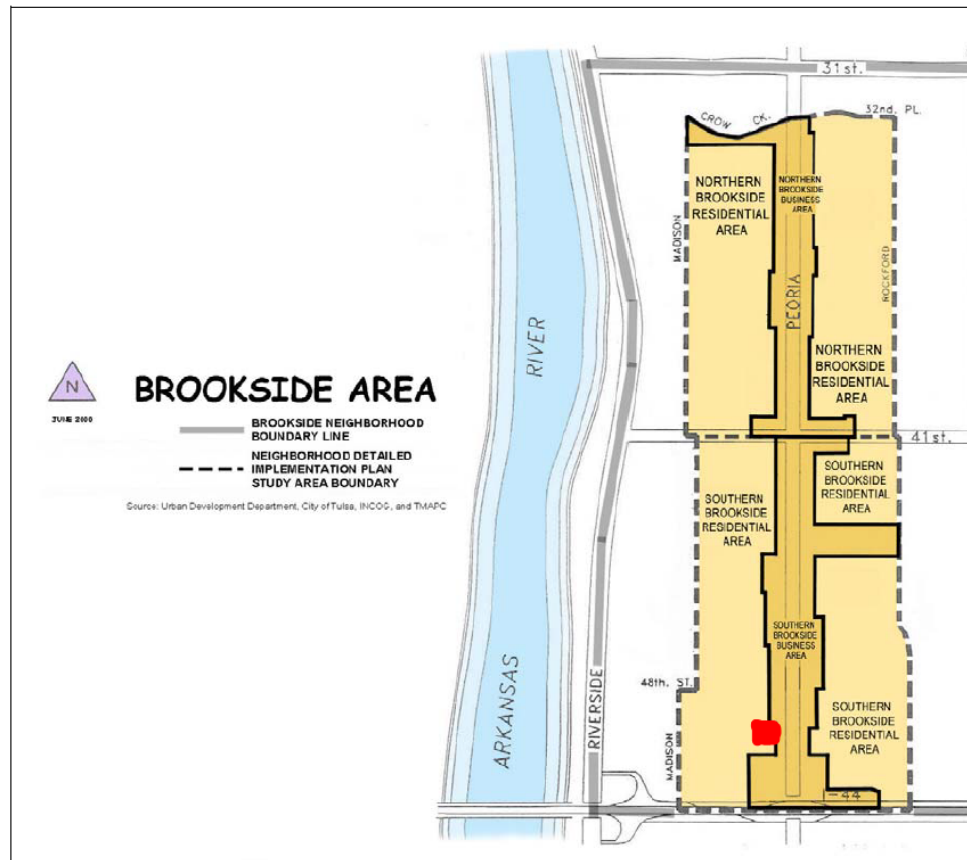
Trail System Master Plan Considerations:

This site is within one half mile of the Riverparks Trail System. Sidewalks will be required to the 49th street right of way during the plat or plat waiver process.

Special District Considerations:

This site is included in the Brookside Infill Neighborhood Detailed implementation Plan. The specific rezoning request is part of the Southern Brookside Residential Area and was originally considered an area that should preserve existing residential development patterns.

EXHIBIT 1 -
BROOKSIDE
AREA



DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The requested PUD and related zoning will continue an encroachment into the eastern edge of a single family residential neighborhood as supported in the Comprehensive Plan. Removal of homes and the existing tree canopy will significantly affect the character of the neighborhood along East 49th. The Comprehensive Plan recognizes the significance of maintaining the character of the neighborhood but it also considers this area as a potential expansion of the Mixed Use Corridor in this location. Sidewalk construction, significant screening standards, landscaping and lighting standards within the PUD will provide some improvements to the street right of way in South 49th East Avenue and create a design standard that can be implemented within the Mixed Use Corridor along Peoria.

The Brookside Infill Design Recommendations Plan that were part of the Brookside Infill Plan however that document was prepared prior to the Tulsa Comprehensive Plan. Staff supports the design concepts identified in the PUD and the Infill Design

Recommendations. Staff also supports commercial expansion west of Peoria as defined in the Mixed Use Corridor of the Tulsa Comprehensive Plan.

Site Analysis: The subject property is approximately 0.54± acres in size and is located west of Peoria on the north side of East 49th Street South. The eastern portion of the property is a surface parking lot now the western portion of the site was a single family residential site that has been removed so the site is now vacant.

Environmental Considerations: There is no terrain or obvious environmental considerations that would affect the development of this site.

Topography and Drainage

The existing topography is essentially flat with drainage generally flowing to the south and east towards East 49th Street and South Peoria Avenue. The existing parking lot is served with storm sewer and no on-site detention will be required.

Soils

The on-site soils are typical for the area and will create no unusual developmental problems.

Landscape/Vegetation

The site currently has an existing parking lot and landscaping in the eastern third of the site. The middle third of the site has had the residence removed and is open with grass and no other vegetation. The western third of the site currently has a residence that will be removed and 3 existing trees, two in the back yard and one in the front.

No obvious attempt has been made to save the existing trees.

Surrounding Properties: The subject tract is abutted on the east by a surface parking lot, zoned OL; on the north by Myers-Duren Harley Davidson, zoned CH; on the south by a single family residence, zoned RS-3; and on the west by single family residential, zoned RS-3.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary Arterial	100 feet	4 with center turn lane
East 49 th Street	None	50 feet	2

Utilities:

Existing water lines run the length of the East 49th Street frontage, with a 36 inch water line located on the north side of the street and a 6 inch water line located on the south.

An 8 inch sanitary sewer line is located on the north side of East 49th Street and runs along the western two thirds of the property.

Storm sewer exists in the existing parking lot abutting South Peoria Avenue and flows north, tying into the storm sewer in the southeast corner of the Myers-Duren site. The proposed parking expansion will tie into this existing storm sewer.

AEP/PSO has overhead electric lines located on the north side of project site.

ONG has a 16 inch gas line located on the north side of property.

Surrounding Properties: The subject tract is abutted on the east by South Peoria, on the north by Myers-Duren Harley Davidson, zoned CH; on the south by East 49th Street South but across the street is a single family residence, zoned RS-3; and on the west by single family residential, zoned RS-3.

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 (RS-3), and 21015 dated February 28, 2005 (OL), established zoning for the subject property.

Subject Property:

Z-7271 July 2014: Staff recommended for **approval** of a request for rezoning a 7, 244± square foot tract of land from RS-3 to OL, for a parking lot, on property located west of the northwest corner East 49th Street South and South Peoria Avenue. The Planning Commission recommended for **denial** of the request.

Z-6971 February 2005: All concurred in approval of a request for rezoning a 9,074± square foot tract of land from RS-3 to OL, for office use, on property located on the northwest corner East 49th Street South and South Peoria Avenue.

Surrounding Property:

Z-6176 December 1987: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the southwest corner of East 49th Street South and South Peoria Avenue.

Z-5715 August 1982: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the northwest corner of East 49th Place South and South Peoria Avenue.

Z-5133 August 1978: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the southwest corner of East 49th Place South and South Peoria Avenue.

BOA-2535 March 10, 1954: The Board of Adjustment approved a Special Exception to permit a two company fire station on Lot 21, on property located at the southwest corner of S. Peoria Ave. and E. 48th St.

TMAPC COMMENTS:

Mr. Dix asked if this requires a change in the Comprehensive Plan and should take place before the zoning. Mr. Wilkerson stated that this is something that will have to be addressed and doesn't necessarily have to be done before the rezoning.

Ms. Millikin asked if she heard right that there would be a gate on the west fence. Mr. Wilkerson stated that there would be a gate on the west side of the south fence that would be closed except for Saturdays and events.

Mr. Reeds asked how a parking lot could be considered a mixed use. Mr. Wilkerson stated that if it was a parking lot by itself it wouldn't be a mixed use, but it is accessory to the subject business. Mr. Reeds asked if the applicant could come back and build a mixed-use building on the subject site. Mr. Wilkerson stated that they could but they would have to come back before the Planning Commission. Mr. Wilkerson stated that the PUD is in place for neighborhood protection, provide landscaping and additional screening and buffering.

Mr. Dix asked Mr. Wilkerson what has changed since the original request that was denied, basically due to information provided by the neighbor across the street. Mr. Wilkerson stated that the original application was for straight rezoning, which provides very little protection or help defining that edge between the neighborhood and commercial. There is an additional lot that is being included in this application, but the primary differences are the standards for landscaping, screening, and lighting.

Applicant's Comments:

Tim Terral, TEP, Inc., 9820 East 41st Street South, Suite 102, 74146, stated that in the last 12 months he has been working with INCOG and have met with homeowners for their input to come up with a project and design. Mr. Terral indicated that he is in agreement with staff's recommendation, but there are a couple of things on the staff recommendation that he would like to revise if possible. One revision is the parking lot lights being turned off at 10:00 p.m., as they currently are, staff is recommending 9:00 p.m. Mr. Terral explained that the 10:00 p.m. is because his client has classes, shopping events and especially at Christmas time and safety for the ladies that come to the building for shopping. The second revision would be the signage. There is an emblem "Exhibit F", page 16.21 in the agenda packet, shows a Harley emblem with no words and his client would like to have letters, color and lighting.

Mr. Terral stated that this is for the parking lot expansion. He explained that a gas line is preventing expansion to the north. Mr. Terral further explained that his client expects to expand within four years if not sooner and the parking area is needed for that expansion. During shopping days and events the parking expands onto 49th Street and causes problems for the residential neighborhood. Mr. Terral stated that he feels that this parking lot will help to alleviate or eliminate the problem on 49th Street. Mr. Terral further stated that the parking expansion would be for parking only. Mr. Terral pointed out the locations for parking on the subject property. Mr. Terral stated that the proposed parking expansion would be a nice transition from the corridor to residential area. Mr. Terral indicated that the proposal exceeds the landscaping requirements.

Mr. Terral stated that he has had two meetings with the home owners; one was a year ago this month and met with the people that spoke at the meeting last July and tried to address their concerns. An additional meeting was on June 10, 2015 and it included everyone within the 300-foot radius. He explained that the home owners had three main issues: 1) noise from motorcycles and bands, owners of the shop are moving the live music farther north from the residential area and hired three police officers to walk around the subject area to make sure there is no noise problems. There are two new signs posted requesting guests to please drive quietly as exiting the subject property. 2) Second issue is the traffic on 49th Street and the proposed parking lot will help alleviate or eliminate the problem. 3) Home values are being affected and through research it is found that the home values are not being affected by the subject business and are actually increasing in value. Mr. Terral stated that Peoria is a noisy place and some of the noise filters into the residential area.

TMAPC COMMENTS:

Ms. Millikin asked what is the practically of not having the second ingress/egress out of the subject property. Mr. Terral stated that he feels it would be better for circulation. The ingress/egress will be closed except on busy days, Saturdays and events, it helps funnel cars in and out. Ms. Millikin stated that Mr. Terral said the events will be moved on the east side of the building so traffic can't be traveling up that direction, so he feels during an event days there is a second gate needed. Mr. Terral answered affirmatively and pointed out where events are usually held and where parking is done. It is not the plan to have tent sales or motorcycles in the proposed area, the plan is get parking off of the street.

Mr. Reeds asked Mr. Terral what is the percentage of attendees that ride their Harley's to the events because they need parking as well and it doesn't seem that they have been allowed for. Mr. Terral pointed out the parking areas for cars and motorcycles.

Dan Alaback, Alaback Design & Associates, 3202 East 21st Street, 74114, stated that the fence on the south side is what has been talked about so far and it is playing off of the architecture of the subject property. At 49th and Peoria his client would like to put Myers/Duren on the lighted emblem so that it can be seen at night. Mr. Alaback described the landscaping and lighting for the subject property and the current lot. Mr. Alaback indicated that his client has 46 employees and there is a need for a lot of parking.

TMAPC COMMENTS:

Mr. Midget asked if the 46 employees are present at the same time. Mr. Alaback stated that he would say that they are all there at the same time for the most part. Mr. Midget asked if the sign on 49th Street necessary and what is the purpose of lighting it. Mr. Alaback stated that because this is the southeast corner and it will be at a 45 degree angle to be visible heading north on Peoria. Mr. Alaback stated that he was informed that the subject property is already approved for a sign and this would take that place. It is used for an identifier and the lighting is nice for the evening for some light.

John McClanahan, 2404 E. 46th Place, stated that he is the General Manager of the Myers-Duran Harley Davidson and that his mother is the owner and has owned the property for 39 years. Mr. McClanahan cited the history of his company and the various community activities that his company is involved in. Mr. McClanahan indicated that he served on the Brookside Study.

Mr. McClanahan stated that he didn't attend or hold a neighborhood meeting when he applied for straight zoning for a parking lot and didn't

realize it would be necessary. He was surprised to find that it had been denied and that some of his neighbors didn't consider his company as a good neighbor. Mr. McClanahan stated that he wanted to resolve the issues with the neighbors and had a meeting with the neighbors who spoke at the first meeting. Mr. McClanahan stated that he has installed shades over the outside lighting before the first meeting. Policing the property after events to pick up trash, moving the band to a different location and live music lasts about three to four hours, Skipper Bain, Special Events Coordinator for the City of Tulsa, attended several events and taken readings with his decibel readings and found the noise well within acceptable limits. There are 46 full time employees and 12 students for the Learn to Ride class, which is 58 parking spots. Mr. McClanahan explained that motorcycles can park two to a parking spot, and four or five motorcycles can get in the same parking spot. Motorcycles will park anywhere and take the parking space that they need and car people don't really understand that.

Mr. McClanahan stated that the real reason he needs this parking lot is for future expansion. This house came up for sale and the next house offered their home for sale as well. Harley requires the business to be expanded, based on sales. The current building can't be expanded to the south because of the high pressure gas line and he really doesn't want to build separate buildings, but he could build light-office if he had to build a second building. Mr. McClanahan stated he wants to build to the north and it will take up a lot of the parking spaces. The plan is to expand to the north within four years or sooner.

TMAPC COMMENTS:

Mr. Reeds that he would suggest that when there is an event he would make the access closest to Peoria an entry and make their lower one exit only to make the traffic flow better.

INTERESTED PARTIES COMMENTS:

Brenda Miller, 4824 South Norfolk Avenue, 74105, stated that she lives about 600 feet from the subject site. Ms. Miller stated that she is aware of what has been happening in this particular area. Ms. Miller explained that she purchased her property 26 years ago and rented it for all of those years. She explained that she owned the property when Myers-Duren was located on Utica. Two years ago she moved into the house with the knowledge that Meyers-Duren was there. This mixed-use was part of the development of the Brookside area, which she was a part of when she worked for the City of Tulsa. It is a great plan and it is clear that the northern part of Brookside has been more successful and has more rubs between the residential components of the commercial components, which she fully expects this happen in her neighborhood as well. It was always intended to be mixed-use and she thinks Meyers and people who

are on 49th Place have come up with some nice compromises on this. This is a mixed-use area and she moved into the area knowing this. Ms. Miller stated that she is in support of this application.

Ken Dasher, 1142 South 49th Street, 74105, stated that he feels that the improvements will enhance the value of his home. He has lived in the subject area for 20 years and the property across the street are primarily rent houses. The traffic issue has been a problem and the parking lot will help with that problem. The commercial value will keep growing and he wouldn't be surprised to see the four lots from Peoria back on both sides eventually become commercial properties. Mr. Dasher indicated that he is in support of this application.

Erica Ostertag, 4823 South Owasso Avenue, 74105, stated that she is exactly 50 feet behind the Harley Davidson shop to her back door. She stated that she is here because what they plan to do with the parking area is exactly what they do to her. Ms. Ostertag explained that she is constantly dealing with noise. Her home smells from the motorcycles exhaust. Every morning at 7:45 a.m. to 8:00 a.m. her family gets to listen to motorcycles as they drive them out of the back of the building to the front of the building and then every night at 5:45 to 6:00 p.m. Ms. Ostertag stated that she has called them about the noise and they get louder. Ms. Ostertag commented that last Saturday they were making so much noise that they knocked pictures off of her walls in her living room and made the windows shake. Ms. Ostertag stated that her husband called and talked with a woman there and she informed them that they had just had a run and they would try to keep the noise down, but within five minutes five motorcycles were revving their engines and smoking their tires. Ms. Ostertag explained that she climbed a ladder and looked over the fence and requested that they stop the activity and the man she spoke to her explained that they just had a run and we will try to keep it down. After that she said the owners come out and they talk with their employees and then there are five more engines started up and doing burn outs. Ms. Ostertag explained that she has tried to be nice to the people at Meyers Duran and request them to stop the noise and they refuse and laugh in her face. Ms. Ostertag stated that the fence doesn't block any noise. Ms. Ostertag further stated that she has a decibel reader on her phone and she recently has ordered a decibel reader. She has been told to call the police when the noise gets too loud, but she feels that she shouldn't have to call the police every single time they get over the decibels. Ms. Ostertag stated that she should be able to call the owners and request that they keep the noise down and that there would be enough respect that they would, but they don't. Ms. Ostertag stated that her decibel reading this morning was 111, which standing in her living room with the windows closed and the air-conditioner is going. Ms. Ostertag stated that she has video if anyone would like to hear it, which was from Saturday.

Ms. Ostertag commented that she has never been included in the meetings that they have been having. Ms. Ostertag stated that her homes has been in the family for almost 60 years, which she bought from her grandmother seven years ago. Ms. Ostertag indicated that she decided to move and rented her property and it lasted 30 days and was told that they couldn't handle the noise, then moved out. Ms. Ostertag commented that she can't sell her house and she can't move. Ms. Ostertag asked the Planning Commission to consider how they would feel if they had to live next door to this.

In response to Mr. Midget, Ms. Ostertag demonstrated where her house is located behind the business. She explained that when she first lived there she could access the alley, but she no longer can because they park their motorcycles and box truck along the fence. They cuss at her dogs, her children, they have flooded her backyard when their pipeline broke and ruined everything in her shed. She called the City and came and turned off and the next day her yard was flooded again because they turned the water back on, she called the City and they told her that they have a business to run and they have to have water and they will turn it off when they close. Ms. Ostertag stated that she still doesn't have grass in her backyard from that incident. She further stated that all of the trees along the fence belong to Meyers and they don't trim or cut down dead trees, she and her husband have had to trim the trees and cut a dead tree down. Ms. Ostertag stated that they seem to not care and when you call them they are rude and make more noise. Ms. Ostertag demonstrated how much light floods into her yard and home from the business. She explained that she has to put blackout shades in her home.

In response to Mr. Walker, Ms. Ostertag stated that Meyers didn't offer to purchase her home, but she would gladly sell to them and get her out of the situation she is in. She stated that her neighbor had their house on the market for one year and had one person look at it. The houses that have sold are for rental properties.

Ms. Millikin asked Ms. Ostertag if the subject application was refused, how it would help her situation. Ms. Ostertag stated that it doesn't help her situation, but she is trying to help the people that are on the other side so that they don't have to live the way she has to live. Ms. Ostertag stated that she has called everyone with the City and the business and no one cares.

Mr. Reeds asked Ms. Ostertag if she has ever had any meetings with Meyers-Duran. Ms. Ostertag stated that she hasn't and that they don't want to have a meeting with her. She has approached them many times and they requested that she not call the police but to talk to them directly and they will make sure that it doesn't happen. She explained that she

calls them and nothing happens. She said that they have brought loud screeching motorcycles in as late as 11:30 p.m. and she has four children, one that is disabled and they need their sleep. Ms. Ostertag stated that she has purchased drapes that are supposed to block light and sound for her bedrooms, but it doesn't work. She further stated that she has also put new windows in her home that are double-paned to reduce noise, but that doesn't help either.

Monica McCurdy, 1156 East 49th Street, 74105, stated that Meyers-Duran has 106 parking spots. In 2014 they put on 18 events and they are inconvenienced because of their own event when it comes to parking. If the proposed parking is allowed in front her house, and her two neighbors' houses, then we will be inconvenienced 100% of the time. This isn't fair to the neighbors and she doesn't want any motorcycles closer to her home. Ms. McCurdy cited the various businesses and homes around her and she can still hear the motorcycles over it all. A wood fence is not going to block the noise out. The house the applicant purchased for \$122,000.00 in cash was because the previous owner couldn't sell or rent the house out. The newest homeowner in the subject area signed the petition.

Ms. McCurdy stated that on April 25, 2015 the applicant had their annual bike show and there was a shooting. This is the clientele that they bring in and she doesn't want it 100 to 200 feet from her home. The applicant stated that he couldn't control his customers and they can't control the noise.

Ms. McCurdy stated that she had new windows and doors and can still hear the motorcycles while running her shower. Ms. McCurdy demonstrated the current parking spots on the Meyers-Duran property. She commented that she has never seen all of the parking spaces taken up, except for events because they shut down their entire front parking spots. Ms. McCurdy stated that they currently have a lighted sign that blinks and it is about 200 feet from her home and shines into her living and bedroom and her neighbor's home. Ms. McCurdy played an audio of an event that went on from 11:00 a.m. to 5:00 p.m. (motorcycle noise and screeching tires with loud announcement system). Ms. McCurdy stated that she is the one that brought these issues to Skipper Bain because Meyers-Duran wasn't getting their permits for the special events. Ms. McCurdy stated that when she requested that they move the band they told her they couldn't because the other neighbors would complain. Ms. McCurdy further stated that the place she suggested was by CarMart. Ms. McCurdy explained that they only moved it because Skipper Bain told them to do so. They only do something about the complaints when they are made to do so. The neighbors deserve a better quality of life and deserve peace and quiet, children need their sleep and dogs shouldn't scared when they go outside. This parking lot will only be 25 feet from the

next residential home and it isn't fair to him. Ms. McCurdy submitted a packet with various exhibits ranging from pictures, police reports, and petition (Exhibits B-1 and B-4).

Mr. Carnes asked Ms. McCurdy how long she has lived in her home. Ms. McCurdy stated that she purchased her home 2011 and when she moved in it wasn't like this, but has continually gotten worse. Mr. Carnes asked if the applicant was established when she move in. Ms. McCurdy answered affirmatively. Ms. McCurdy stated that she bought into a residence and not into a commercial property.

Mr. Fretz asked Ms. McCurdy if she has ever gone to City Council to speak against the special permits. Ms. McCurdy stated that she hasn't because she is waiting for them to apply for a permit for a specific event. She isn't against the events, except the ones that create more noise.

Mr. Walker requested Skipper Bain to speak.

Skipper Bain, Tulsa Police Department, Special Events, stated that the decibel levels at the events he has attended did not go above the 85 decibels. Today the recommendation is 90 decibels and not to exceed 90 decibels 15 feet from the source. Mr. Bain stated that he attended the event where they had the ball of steel and they didn't violate the decibels. Mr. Bain explained that generally it has been 85 decibels outside of the venue when he has been at the events. Mr. Walker asked Mr. Bain if in his opinion Meyers-Duran is compliant most of the time, 90% of the time or 100% of the time. Mr. Bain stated that every inspection he has done when he is there has been compliant. Mr. Bain explained that when they have events and most of the times he has visited the site for those events, he talks with Monica McCurdy and James McClanahan to see how things are going. Mr. Bain stated that Monica how originally talked to him about the parking lot and pointed out that people were parking in the street and she was unable to back out of her driveway. Mr. Bain stated that he requested Mr. McClanahan put traffic cones up so people couldn't block her driveway and he does it and Mr. Bain asked Ms. McCurdy to remind them to do this. Mr. Bain mentioned to Ms. McCurdy that she should make sure that the applicant places his driveway even with hers so that it can't be blocked or contact the City and request signage for no parking between the driveways. Mr. Bain stated that it is true that the owners didn't obtain permits for the events because they didn't know if it includes live music, selling beer, or using more than 10 percent of the parking lot they need a permit.

Mr. Dix asked Mr. Bain if he has had any contact with Ms. Ostertag. Mr. Bain stated that he hasn't. Mr. Bain stated that he only does special events and her complaints would be a Code Enforcement issue.

Mr. Reeds asked Mr. Bain if he has measured the sound at the back of the building where Ms. Ostertag lives. Mr. Bain stated that he hasn't, he only measured at the event and outside the venue where the music is located. He explained that they point the music out toward the street to the northeast.

James McClanahan, Meyers-Duran Harley Davidson, 216 East 126th Street South, Jenks, 74037, stated that first thing he would like to address is that he was completely shock that his business had such a bad standing with the neighborhood. This is the last thing he wants and it is not their intent to drive their neighbor's property values down, nor their own property value. He commented that he took it to heart what he heard from the first zoning meeting and went out and shielded the lights. Mr. McClanahan submitted a photograph of the shielded light (Exhibit B-5). He indicated that the lights on the west side and south side are shielded. Noise is what the issues that gets brought up and Skipper Bain has been out to several events. Last year was the 100th anniversary for Harley Davidson and he informed the neighbors that they would be celebrating the 100 years with several public relations events, charitable events, and basically had around 11 events. Mr. McClanahan stated that if someone is revving up their motorcycle on their property and he is going to walk over to them and ask them to stop. If it is burnouts or whatever that is inappropriate behavior they will be requested to stop. Signs have been posted requesting their customers to ride quietly at 48th Street and 49th Street. Peoria is a busy section and recently busier since Riverside is closed down for the development of the Gathering. There is a lot of traffic noise along Peoria and there are motorcycle bars down the road.

Mr. McClanahan stated he would like to address the April 25th shooting at his dealership. In 29 years there has never been an incident like this and it was not a shooting, it was an assault where two gangs got sidewise with one another and decided to take it out on one another. It is unfortunate that it happened, but again in 29 years he has never seen anything like that happen. Most of our clientele is very generous and there is a letter included in the agenda packet from the Make A Wish Foundation stating that bikers are very giving and charitable. Mr. McClanahan stated that his primary goal is to sell motorcycles and this parking is not so much to have an event center, but it's more for future expansion. Mr. McClanahan stated that he would like to expand within two years and based on their sales they are ranked 14th out of the Nation. This is our life and it's our enjoyment and we are passionate about it. Mr. McClanahan stated that he was under the impression that permits were only needed for street closures and now he checks with Skipper Bain to see if permits are needed and so far this year there have been five events and Mr. Bain has been to four of the events to measure the decibels. Mr. McClanahan

stated that he has asked Mr. Bain many times if there is anything else he could do to lessen the impact on the neighbors.

Mr. Walker stated that the interested parties stated that when they called the business about noise they were told that they were making a run and does this mean that they were delivering bikes from the garage to the parking lot for display. Mr. McClanahan stated that on Ms. Ostertag's side of the property there is a back exit with a garage door and the wash bay is back there and then exit in the back onto Peoria to test drive the bike after service. Mr. Walker asked if he display bikes outside. Mr. McClanahan stated that the bikes that they display outside are simply because they have outgrown their facility. Mr. McClanahan stated that they will have them outside for display after they expand as well just like car dealerships. Mr. Walker asked how many bikes are making a run or displaying outside on a daily basis. Mr. McClanahan stated that there are probably around 45 bikes on display. Mr. Walker asked if it would be practical or reasonable to walk those instead of driving them. Mr. McClanahan stated that it could be done, but most of the bikes on display are taken from the front of the store. Mr. McClanahan stated that it would be practical to walk the bikes from the front, but from the back it would be difficult. Mr. McClanahan stated that the bikes weigh about 850 lbs and he would be worried a workman's compensation situation if the bike got momentum and went down while walking it.

Mr. Reeds stated that he now understands why the noise is so amplified in the back, because you essentially have two solid walls that the noise is bouncing off of and so it is louder back there. Mr. Reeds further stated that it is basically like walking in a sound ally and it is going to go nuts back there. Mr. Reeds asked if they have considered putting a top on it and lining it with technic panel to reduce the sound. Mr. McClanahan stated that is a fire lane and they are unable to enclose it. Mr. McClanahan stated that if he were able to expand than most of the used bikes would be inside.

Mr. Midget asked if he heard that there would be no activity in the expanded parking lot. Mr. McClanahan stated that he doesn't want to limit himself to not having something in the parking area. Mr. McClanahan further stated that they may, but they don't foresee it a lot of it. He commented that they like to have the activities on the frontage area so everyone can see it from Peoria. Mr. Midget stated that he is hearing that they will have activities in the expanded parking. Mr. McClanahan answered affirmatively.

Mr. Midget stated that he also has a question about the light that Ms. Ostertag mentioned. Mr. Midget further stated that the shielding demonstrated earlier doesn't seem sufficient and that is a big bleed into

Ms. Ostertag's property. Mr. Midget commented that they should strongly address the lighting issue.

Mr. Carnes stated that under the PUD the Planning Commission could restrict the expanded parking area to where they couldn't use it for events.

Mr. McClanahan reiterated his company's involvement with charities and the events that they hold to raise the money. He indicated that they may want to use the parking lot for tent sales, but there wouldn't be any motorcycles there. Mr. McClanahan described it as a sidewalk sale with merchandise to sell. Mr. McClanahan proposed restricting the expanded parking to utilizing it five events a year for use other than parking.

Mr. Walker asked Mr. McClanahan to respond to his neighbors claims that he and his employees are defiant with noise nuisance. Mr. McClanahan stated that every meeting he has attended he hands out his business card with his cell phone number and encourage them to call him with issues. It is a very difficult to control people and he has no control on people on Peoria. Mr. McClanahan stated that if they are on his property he is willing to do just about anything and everything to control the noise.

Mr. Dix stated that he has a quick question for Ms. McCurdy. Mr. Dix stated that it appears to him that the issue is the events. Mr. Dix asked Ms. McCurdy how she feels about the operation on days other than events and is there a problem. Ms. McCurdy stated that the issue is noise and the events bring more motorcycles onto the property and more noise. Ms. McCurdy stated that when there isn't an event there is still motorcycles coming and going with noise and her street is a through street to Riverside, Peoria and getting onto the highway. Mr. Dix asked Ms. McCurdy if her problem is with the dealership as a whole. Ms. McCurdy stated that this is a million dollar company and it is just non-stop noise. Mr. Dix stated that recalling that the dealership was present when she purchased her home. Ms. McCurdy stated that she understands that, and possibly they should move down by the tracts and compete with the train noise. She commented that as the years have gone on, the event with the stunt show is what really set her off and that is when it became worse and it is out of control. Ms. McCurdy stated that she did call Johnny and either the message got through or it didn't get through, but she was basically blown off until they wanted this parking lot.

Mr. Midget asked Ms. McCurdy when the stunt show was done. Ms. McCurdy stated that they did it last year in July she believes.

Applicant's Rebuttal:

Mr. Terral stated that possibly restricting the number of events in the expanded parking lot would work. Mr. Terral stated that the dealership

isn't going away and it is unreasonable to think they will move down by the railroad tracks.

Discussion ensued regarding closing the back of the dealership and providing a fire lane. It was determined that it is a fire lane and wouldn't be able to be achieved.

Mr. Terral stated that he believes with Ms. McCurdy it is the dealership in general.

Mr. Midget stated that limiting it might be an option, and when he first saw this application it was presented as for parking. Mr. Midget further stated that particularly since it was stated that they wanted to relieve some of the parking where they would like to have events. Mr. Midget stated that this means it would be bringing events closer in to the residential area and he doesn't know what limiting it would achieve. Mr. Midget explained that he understands needing it for parking and getting vehicles off of the street. Mr. Midget stated that he wouldn't want a tent or motorcycles any closer to him if he lived in the subject area. Mr. Midget explained that he use to rides bikes and he knows the feel and the sound and he understands why the residents don't want it further into their neighborhood.

Mr. Terral stated that he understands that it would be tent sales only and no stunts or events on the expanded parking lot. Mr. Terral commented that it is mainly for parking.

Mr. Fretz stated that he is glad he doesn't live there. Mr. Fretz further stated that if the Planning Commission votes to approve it, then it will be promoting more events and making a bigger distraction for the homeowners, but denying it won't necessarily stop any of the events and noise.

Mr. Carnes stated that he came here today thinking that this is a parking lot and he would be willing to vote for the parking lot and deny the use for events.

Ms. VanValkenburgh stated that it can be limited.

Mr. Shivel indicated that he understands the noise issue and would support the parking lot for parking only.

Mr. Walker stated that if the dealership is 14th out of 1650 dealerships around the country that is pretty impressive. I would use your power of success to be a good neighbor and do the right thing. He commented that if there is abusive noise that is disgusting. Mr. Walker stated that he will support it.

Ms. Millikin stated that she would be able to support this application if the use on the extended parking lot is limited to parking. When Mr. Terral first presented this application he expressed that the events were going to be in the north parking lot or the east and north parking lots. The story changed a little bit as the discussion continued. She understands the neighbor's plight, but she also believes that they were aware that a motorcycle dealership was in place when they purchased their homes and they have to realize that this is part of the environment in which they purchase their residence.

Mr. Reeds stated that he would support this application as long as it is limited to parking on the expanded parking lot. Mr. Reeds supported Mr. Walker's comments about the dealership being a better neighbor. Mr. Reeds stated that the dealership has a tremendous economic impact on the City and everyone respects that, but there are residences around them and the dealership site was chosen knowing that there was residential as well, just as they chose the site knowing there was commercial. Mr. Reeds reiterated that they need to be a good neighbor.

Mr. Dix stated that he doesn't see a lot that has changed except that a consultant was hired to draw up some plans and a better job of esthetics on the site plan. The lack of cooperation with the neighbors astounds him. There are lights shining in the back of neighbor's houses, employees disregard their need for quiet in the neighborhood and traffic going out of this parking lot onto a side residential street, and knowing Harley riders as he does they are going to make as much noise as they possibly can make. Mr. Dix commented that Harley riders' motivation is noise and they say the louder the better so that people won't run over them. It appears that the mood of the Planning Commission is to approve this project, but he would like to make a friendly amendment that parking only and without any access onto 49th Street. All access would have to go back through the remainder of the parking lot onto Peoria.

Discussion ensued about the access onto 49th Street from the expanded parking lot.

Mr. Carnes moved to have parking only and no events in the new area and they get to keep the existing access point onto 49th Street, no new access points.

More discussion ensued regarding the access points onto 49th Street.

Mr. Dix restated that motion that Mr. Carnes moved to approve the application for parking without any new access and cannot be used for events other than parking. Ms. Millikin seconded the motion.

Ms. VanValkenburgh asked if the motion is to approve the application per staff recommendation amended only in those respects. Mr. Carnes answered affirmatively for the PUD.

More discussion ensued regarding the access points on 49th Street.

Mr. Carnes recognized Mr. McClanahan.

Mr. McClanahan argued why it is necessary to have two access points onto 49th Street.

Mr. Dix explained that what he is trying to eliminate from the back area the need to come out of the back driveway and turn right. The front drive can be used to turn left up to Peoria. Mr. McClanahan stated that he prefers Mr. Bain's idea of putting cones up and not allowing parking in certain areas.

Mr. Carnes stated that originally this came in presented that it would be parking only and then through today's hearing it changed to having events in the new parking lot. Mr. Dix stated that is the problem the Planning Commission had with it last year. Mr. McClanahan stated that he thinks this will be nothing but parking, except maybe a static bike show or something like that and he doesn't want to limit himself. Mr. McClanahan further stated that he doesn't want to give up something that they already have. Mr. Dix stated that he wouldn't be giving up the original driveway up and the new parking lot will be limited to parking only. Mr. Dix explained that there is an entrance off of 49th Street.

Ms. VanValkenburgh stated that she doesn't think the motion makes it clear that the parking is being limited to only the new parking lot and she understands that the limit is for the entire PUD.

Ms. Huntsinger read the motion on the floor: Mr. Carnes amended the motion to parking only and no events in the new area and no new access in the new area.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Covey, Stirling, Willis "absent") to recommend **APPROVAL** the OL zoning for Z-7310 and recommend **APPROVAL** of PUD-837 per staff recommendation, subject to limiting the new area to parking only, no new access to the new area, and no events on the new parking area. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for Z-7310/PUD-837:

LOTS 1, 2 and 3, BLOCK 14, RIVERVIEW VILLAGE B14-20, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Mr. Walker out at 4:10 p.m.

17. **PUD-837** – Plat Waiver, Location: Northwest corner of East 49th Street South and South Peoria Avenue, (CD 9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to PUD 168.

Staff provides the following information from TAC for their August 6, 2015 meeting:

ZONING: TMAPC Staff:

STREETS: Corner radius of 30 feet is required at the intersection of 49th Street and Peoria. .Limits of No Access must be defined along South Peoria Avenue. Sidewalks required per subdivision regulations. Sidewalks shall be constructed along East 49th Street South within a dedicated easement or within the right of way, with a minimum of five feet in width, and constructed in accordance with the specifications and standards of the City of Tulsa Public Works and Development Departments.

SEWER: No comment.

WATER: No comment.

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.

INTERESTED PARTIES COMMENTS:

Ms. McCurdy asked who should be called if the applicant breaks the conditions set on PUD-837. Mr. Midget stated that it would be Code Enforcement. Ms. McCurdy asked if Code Enforcement worked on Saturdays. Mr. Midget stated that they could, but no one has overtime, it would have to be something that would have to be arranged and taken care of. Mr. Midget clarified that Code Enforcement doesn't work every Saturday, but staff can be assigned if needed. Ms. McCurdy stated that basically, the activities could go on and there wouldn't be anyone to call on a Saturday. Mr. Midget stated that if they know in advance, then arrangements can be made to have someone on overtime.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker aye"; no "nays"; none "abstaining"; Covey, Stirling, Walker, Willis "absent") to **APPROVE** the plat waiver for PUD-837 per staff recommendation.

* * * * *

18. **PUD-838 – Planscape Partners**, Location: Southeast corner of South Harvard Avenue and East 16th Street, requesting a PUD to allow reduction of the building setback lines and improved design standards for site redevelopment supporting Main Street land use designation, **CS TO CS/PUD-838**, (CD-4)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

Rib Crib BBQ has successfully operated a restaurant at 1601 South Harvard Ave. for many years. From the original facility, the building and parking lot have grown to better accommodate the restaurant's successful operation. However, the building, which started as a residence, can no longer be adequately maintained and cannot be reasonably expanded, so the decision has been made to remove the building, constructing a new Rib Crib BBQ on the same site. In the process, the parking lot will be improved to provide better access and function. In addition to providing a new Rib Crib restaurant, the Project will create a fresh, new image for the property on this high-profile site. Rib Crib has provided excellent jobs and

a great dining resource in this neighborhood since 1992. Their desire is to reinvest in this neighborhood instead of closing or relocating to a suburban location.

The site is approximately .7 acres (31,317 square feet) in size. The proposed new restaurant will contain approximately 4,645 square feet, double the size of the existing building. The site improvements will include 48 parking stalls, a small reduction in on-site parking, but in excess of the minimum number of parking stalls required by the zoning regulations. The building exterior will be brick, cultured stone and synthetic stucco in design

The site is currently zoned CS – Shopping Center Commercial. The site setback and bulk regulations of this zoning district weren't designed for redevelopment of existing sites in older neighborhoods. The small size of the site, together with extensive front yard setback requirements, makes the site nearly unbuildable, and certainly too small to accommodate Rib Crib's redevelopment if the strict regulations of the CS district are applied. Therefore, PUD zoning is requested which will allow the redevelopment of the property in a style and character that fits with the surrounding neighborhood.

SECTION II PUD-838 DEVELOPMENT STANDARDS:

Land Area (Net) 0.7 acres (31,317 square feet)

Existing Zoning: CS

Proposed Zoning: CS / PUD

Permitted Uses:

All uses permitted by right in CS zoning district and uses customarily accessory to the permitted principle uses. Drive through windows for any uses are prohibited.

Maximum Building Floor Area: 0.75 FAR of the Net Land Area.

Building Setbacks*:

From South Harvard	0 feet
From East 16 th South*	10 feet
From East Boundary of PUD	10 feet**
From South Boundary of PUD	0 feet

*Measured from ½ of the right of way width designated on the Major Street and Highway Plan, or 25 feet if the street is not designated on that Plan.

****Plus 2 feet of setback for each 1-foot building height exceeding 25 feet, if the abutting property is within a Single Family Residential District**

Maximum Building Height: NA

Minimum Landscaped Area: 15% of net land area

Vehicular Access and Circulation:

One access driveway is proposed to South Harvard Avenue and one to East 16th Street. Drive aisles of 24 feet and parking stalls nine feet in width and 18 feet in depth will provide easy circulation within the parking lot. On the east side of the parking lot, the parking stall depth to the curb is 16 feet with a two foot curb overhang area providing the necessary stall depth.

Provide an area for bicycle parking with convenient access to the front door of the proposed building. A bike rack will be installed with a minimum storage capacity for 6 bicycles.

Vehicular Parking quantity and sizes will meet the minimum standards of the Tulsa Zoning Code

Pedestrian Access:

Sidewalks will be installed or reconstructed as necessary to provide pedestrian access in the South Harvard and East 16th Street right of way. Adequate interior sidewalk construction to provide pedestrian connections to the doors will also be provided.

Landscaping and Screening:

In addition to the landscape standards defined in the landscape chapter of the Tulsa Zoning Code shrubs will be planted along the west and south boundaries of the PUD with a sufficient size and density to provide a continuous 3 foot tall screen within a three year growing cycle on the west and south side of the PUD.

A high quality, opaque, vinyl screening fence, light tan in color, will extend along the entire length of the east property boundary. The fence will be a minimum height of 6 feet above the existing ground level on the property line.

Lighting

All exterior lights will be cut-off lights to control the amount of light affecting adjacent properties. A photometric plan will be included with the detailed site plan supporting the design with 0 foot-candles

or less within 10 feet of the east property line and not more than 5 foot-candles at the other property lines.

Pole height light fixture will be limited to a maximum of 18 feet above finished ground elevations.

Lighting on the east side of the building will only be allowed as illustrated on the concept building elevations and will be pointed down and away from adjacent residential properties east of the site. Light bulbs below the wall fixture covers will not be allowed on the east side of the building.

Signs

All signage on the north, west and south walls will conform to the standards defined in the PUD section of the Zoning Code. Refer to Section 1103.B.2.

Signage on the east wall of the proposed building will be allowed only as shown on the conceptual building elevations and will not be illuminated.

Trash and Mechanical Areas:

All mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including those that are building mounted, will be effectively screened from public view.

The trash dumpster area will be screened by masonry enclosure with a minimum height and size to effectively screen the dumpster but not less than 6' in height. The doors for access will be an opaque screen with steel frames. The doors will be covered with an appropriate covering containing a minimum of 95% opacity on the gate frame.

Building Exterior

The building will impart a fresh, up-to-date appearance. The exterior building materials include stone, synthetic stucco and brick. These high quality materials will provide an improved appearance on this site and will be complementary to other buildings in the neighborhood. Particular attention has been given to the South Harvard building face. Increased window area and pedestrian-friendly amenities along that frontage will make the "fit" with the neighborhood apparent.

Subdivision Plat Requirement:

The existing site is comprised of several lots. Therefore, it is understood that a Lot Combination will be required to be completed following PUD approval and prior to commencement of construction of the new building.

A plat or plat waiver will be required. A plat waiver request is anticipated for this project.

Project Schedule

It is intended that demolition of the existing building will commence as soon as possible after development approval by INCOG and the City. Anticipating that the project would begin late in 2015, spring, 2016, completion of the new restaurant would be expected.

DETAILED STAFF RECOMMENDATION:

PUD-838 is consistent with the Comprehensive Plan; and

PUD-838 is harmonious with the existing and expected development of the 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 this Chapter; therefore

Staff recommends **APPROVAL** of PUD-838 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The PUD allows and supports many redevelopment opportunities for this site. The immediate development anticipated is to remove and reconstruct the restaurant in a style that will be complementary to the neighborhood and support the Main Street Vision of the Tulsa Comprehensive Plan.

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:

None except that the Secondary Arterial street right of way requirements for a 100 foot wide ultimate right of way. This project will be required to dedicate an additional 10 feet of right of way beyond what has been previously provided.

Trail System Master Plan Considerations: None

Small Area Plan:

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently occupied by surface parking and a restaurant. The restaurant will be removed and the driveway connections to South Harvard and East 16th Street will be modified to meet the standards of the proposed new restaurant.*

Environmental Considerations:

This site has no known environmental limitations that would affect redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Harvard Avenue	Secondary Arterial	100 feet	4
East 16 th Street	None	50 feet	2

Utilities:

Ample municipal utilities are readily available to the site. New utility services will be provided to the new building in compliance with City standards.

Surrounding Properties:

The subject tract is abutted on the east by single family residential property, zoned RS-3; on the north by East 16th Street but north of 16th is commercial property, zoned CS; on the south by commercial property, zoned CS; and on the west by commercial property, zoned CS on the West side of South Harvard.

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-17417 July 9, 1996: The Board of Adjustment **approved** a *Variance* of the required setback from Harvard Avenue to expand an existing porch from 100' to 40' and a *Variance* of the required 50' setback from centerline of E. 16th Street to 37' per plan submitted, on property located at 1607 S. Harvard Ave.

BOA-14915 September 1, 1988: The Board of Adjustment **denied** a *Variance* of the screening requirements, on property located at 1617 S. Harvard Ave.

BOA-14809 April 21, 1988: The Board of Adjustment **approved** a *Variance* of the required setback from the centerline of Harvard Ave. from 100 ft. to 52 ft. to permit an addition to an existing building, per plan submitted, on property located at 1617 S. Harvard Ave.

BOA-10221 November 2, 1978: The Board of Adjustment **approved** a *Variance* of the setback requirements from 100 ft. to 45 ft. from the centerline of S. Harvard Ave. to permit enclosure of a porch, on property located at 1601 S. Harvard Ave.

Surrounding Property:

PUD-770 August 2009: All concurred in **approval** of a proposed *Planned Unit Development* on a 27, 875± square foot tract of land for a Fiesta Mart Gas Station and office and commercial uses permitted, on property located southeast corner of East 15th Street and South Harvard Avenue

BOA-12700 July 14, 1983: The Board of Adjustment **approved** a *Special Exception* to permit for community services, cultural and recreation to allow a children's day care center, in an existing school in an RS-3 district, on property located at the southeast corner of E. 17th St. and S. Harvard Ave.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Covey, Stirling, Walker, Willis "absent") to recommend **APPROVAL** of PUD-838 per staff recommendation.

Legal Description for PUD-838:

Lots 1, 2, 3, 4, Block 8, SUNRISE TERRACE ADDN, LESS W10 thereof, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Mr. Wilkerson stated that Items 19 and 20 will be presented together:

Mr. Reeds out at 4:23 p.m.

19. **CZ-442 – Tanner Consulting, LLC/Jessica Shelton**, Location: South of southeast corner of West 111th Street and South 33rd West Avenue, requesting rezoning from **AG to RE**, (County)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

This project will be developed with a Planned Unit Development Overlay and will be known as “Meadow Creek”. The site is comprised of 5.097 acres located south of the southeast corner at 111th and South 33rd West Avenue - hereinafter referred to as the “development”. The site is located in Tulsa County zoning and platting jurisdiction and within the City of Jenks fence line. The City of Jenks has been consulted in regards to the proposed development and at the time of writing has no interest in annexing the subject tract. The development proposes a large lot rural subdivision which will be accessed with public streets and utilize bar ditch drainage.

This document proposes a dwelling option for home buyers with lots that are slightly larger than one-half acre located in the Jenks school district. The property has excellent access to nearby commercial shopping and restaurants as well as quick access to downtown Tulsa via U.S. Highway 75. This project proposes a maximum of 10 detached single-family lots. Anticipated lot sizes are less than the 150 foot width required with straight RE zoning. The anticipated average lot width will be 125 feet in wide. The PUD has been prepared meeting the lot area requirements of RE zoning however the dimensional character of the site restricts the lot width requirements of an RE subdivision.

Due to the lack of sanitary sewer, the property will utilize individual aerobic sewage systems approved by the Oklahoma Department of Environmental Quality.

Meadow Creek is designated as “Low Intensity, No Specific Land Use” by the Jenks Comprehensive Plan. The requested RE (Residential Estate) zoning is in accordance with the Plan Map.

Access to the development will be located off of South 33rd West Avenue and shall be a cul-de-sac designed in accordance with the

Tulsa City/County Subdivision Regulations and approved by the City of Jenks Fire Marshal.

After review of the stated purposes of the Planned Unit Development in Chapter 11 of the Tulsa County Zoning Code, Meadow Creek meets those stated purposes including "...maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties."

DETAILED STAFF RECOMMENDATION:

CZ-422 in conjunction with PUD 839 is consistent with the Comprehensive Plan of the City of Jenks. Tulsa County does not have a comprehensive plan for this area; and

The development standards defined in straight zoning or the PUD are harmonious with the existing and expected development of surrounding areas; and

RE zoning would be supported by staff without a PUD however the developer has asked for greater flexibility in the proposed lot configuration within the PUD; therefore

Staff recommends **APPROVAL** of CZ-442 to rezone property from AG/ to RE. Staff also supports RE zoning without the PUD overlay.

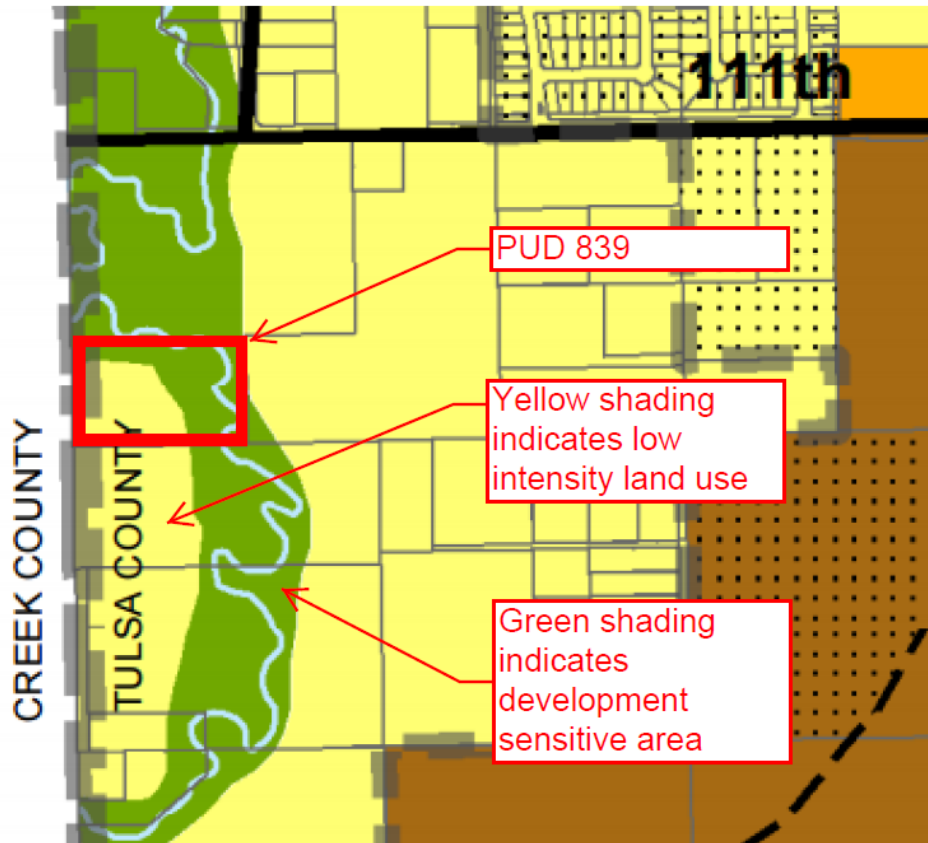
SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside the City of Tulsa Comprehensive Plan area however the Jenks Comprehensive Plan 2006-2015 illustrates this area as Development Sensitive and Low intensity. The comprehensive plan does not recognize a land use potential however residential uses are a low intensity use. The floodplain east of the site is in a development sensitive area and not likely to see significant development in the future.

City of Jenks Land Use Vision:

CITY OF JENKS COMPREHENSIVE PLAN LAND USE MAP



Transportation Vision:

Major Street and Highway Plan: None

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 floodplain north and east of the site is considered development sensitive in the City of Jenks. Future development will not cross the floodplain in the foreseeable future. Potential development will be limited to the yellow shaded areas close to the South 33rd Street right of way near the western border

of Tulsa County. There are no known existing conditions other than the floodplain that will prohibit future development.

Environmental Considerations:

A portion of the tract is located within an area designated by FEMA to be in floodplain zone "AE". Building pad sites will be designed in such a way that will allow the homebuilder to construct the finished floor elevation above the floodplain elevation.

A USDA soils report indicates that the tract is composed predominately of "Dennis-Radley complex, 0 to 12 percent slopes", "Wynonna silty clay loam, 0 to 1 percent, occasionally flooded. A geotechnical report will be prepared prior to construction and used in the design of streets and infrastructure or the Tulsa County "Typical Section" for Sub-Division Streets will be utilized.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Secondary Arterial	100 feet	2

Drainage and Utilities:

The subject tract contains gently rolling terrain with floodplain located on the north and east portions of the development. Storm water runoff will be designed and approved by Tulsa County prior to the filing of the subdivision plat.

Creek Rural Water District #2 serves the property with water service and currently there is no sanitary sewer service in the area. Each lot will utilize aerobic systems for wastewater disposal. Other private utilities are available to the subject tract.

Surrounding Properties: The subject tract is surrounded by Agriculturally Zoned property on all sides except near the northwestern corner of the site in Creek County where a parcel has been rezoned to RMH-1 accommodating mobile homes.

SECTION III: Relevant Zoning History

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

Subject Property:
No relevant history.

Surrounding Property:

CZ-427 September 2013: All concurred in approval of a request for rezoning a 1± acre tract of land from AG to RS for residential use, on property located north of the northwest corner of S. 33rd W. Ave. and W. 121st St.

CBOA-2529 March 17, 2015: The Board of Adjustment **approved** a *Special Exception* to permit wedding and events in the AG District, with conditions: that the business will close at midnight and will have a five year time limit, March 2020; there is to be an all-weather parking surface required; the events at the business will be as presented to the Board, i.e., family reunions, corporate parties, outdoor weddings; and the signage allowed is to be no larger than 4'-0" x 8'-0"; on property located at 2926 W. 111th St. S.

RELATED ITEM:

- 20. PUD-839 - Tanner Consulting, LLC/Jessica Shelton**, Location: South of southeast corner of West 111th Street and South 33rd West Avenue, requesting a PUD to develop a tract with public streets providing greater flexibility with lot land development standards than RE zoning allows, **AG to RE/PUD**, (County)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

The proposed Planned Unit Development (No.839) to be known as "Meadow Creek" is comprised of 5.097 acres located south of the southeast corner at 111th and South 33rd West Avenue - hereinafter referred to as the "development". The site is located in Tulsa County zoning and platting jurisdiction and within the City of Jenks fence line. The City of Jenks has been consulted in regards to the proposed development and at the time of writing has no interest in annexing the subject tract. The development proposes a large lot rural subdivision which will be accessed with public streets and utilize bar ditch drainage.

This document proposes a dwelling option for home buyers with lots that are slightly larger than one-half acre located in the Jenks school district. The property has excellent access to nearby commercial shopping and restaurants as well as quick access to downtown Tulsa via U.S. Highway 75. This project proposes a maximum of 40 8 detached single-family lots. Anticipated lot sizes are less than the 150 foot width required with straight RE zoning. The anticipated average lot width will be 425 95 feet in wide. The PUD has been prepared meeting the lot area requirements of RE

zoning however the dimensional character of the site restricts the lot width requirements of an RE subdivision.

Due to the lack of sanitary sewer, the property will utilize individual aerobic sewage systems approved by the Oklahoma Department of Environmental Quality.

Meadow Creek is designated as “Low Intensity, No Specific Land Use” by the Jenks Comprehensive Plan. The requested RE (Residential Estate) zoning is in accordance with the Plan Map.

Access to the development will be located off of South 33rd West Avenue and shall be a cul-de-sac designed in accordance with the Tulsa City/County Subdivision Regulations and approved by the City of Jenks Fire Marshal.

After review of the stated purposes of the Planned Unit Development in Chapter 11 of the Tulsa County Zoning Code, Meadow Creek meets those stated purposes including “...maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.”

SECTION II: PUD-839 DEVELOPMENT STANDARDS

Gross Land Area:	222,010	SF	5.097	AC
Net Land Area:	214,399	SF	4.922	AC
Permitted Uses: Uses permitted as a matter of right in RE, zoning district in the Tulsa County Zoning Code, including landscaped features and recreational facilities.				
Maximum Number of Lots:	8	lots		
Minimum Lot Width: *	95	FT		
Minimum Lot Size:	21,780	SF		
Minimum Livability Space Required (per lot):	12,000	SF		
Minimum Building Setbacks				
Front yard:	25	FT		
Minimum Side Yard: **	5 ft. & 5	FT		
Side yard abutting a street: ***	15	FT		
Rear Yard:	20	FT		
Maximum Building Height: ****	35	FT		

Maximum Front Yard Coverage by Parking:	40 %
Off Street Parking:	Minimum two (2) enclosed off-street parking spaces per dwelling unit.
Signage:	One (1) along S. 33 rd W. Ave. Street frontage, not to exceed 32 square feet each in size.

**Measured as the lot width at the building line, except on pie shaped lots which shall have a minimum average lot width of 50 feet.*

*** Provided that a minimum of 10 ft. is maintained between dwelling structures, excluding overhangs. Provided that no side yard shall be less than the width of any utility easement located within the lot along a side lot line.*

**** Garages which access this street shall be setback a minimum of 20 feet.*

***** Architectural features may extend a maximum of five (5) feet above the maximum permitted building height.*

Landscape and Screening

Interior fencing or walls shall not extend beyond that point nearest the street at each end corner of the residence. Fences shall be a wood privacy, ornamental iron or stockade with black chain link. No barbed wire, meshed or other metal fencing is allowed. No fence over six feet (6') tall is permitted unless approved by the architectural committee. Fences located on exterior sides of corner lots shall not extend beyond half way between the building line and property lines.

Fencing along South 33rd West Avenue will be decorative in nature and consistent with a rural single-family subdivision.

Accessory Uses and Conditions

Detached accessory buildings shall be permitted and not exceed one thousand (1,000 S.F.) square feet in size. Detached accessory buildings shall be located in the rear yard and a minimum of 17.5' from any property line. Additional restrictions may be imposed for detached accessory buildings and further defined within the private deed restrictions prepared and filed of record with the Tulsa County Clerk by separate instrument.

Access and Circulation

Due to the shape of the subject tract and existing floodplain east of the site, one access point from South 33rd West Avenue will serve the development. In accordance with the Tulsa City/County Subdivision Regulations, the cul-de-sac, which is greater than 250 feet in length, will have a turn-

around of not less than forty (40') feet of paving and a radius of fifty-two (52') feet at the property line.

The public street will utilize "bar ditch" drainage as permitted by Tulsa County. The developer will work with the City of Jenks Fire Department to insure that proper emergency vehicle access can be maintained at all times.

Due to the curve in South 33rd West Avenue, the paving is not located on the section line. The developer will dedicate 50' of right-of-way and has coordinated with Creek County regarding the dedication of additional street right of way on the west side of the Tulsa County line.

Pedestrian Access

Tulsa County Subdivision regulations and engineering standards will apply to sidewalk construction standards in Tulsa County.

Detailed Site Plan Review

The subdivision plat filed with the Tulsa County Clerk's office shall serve as the PUD Detail Site as required by the Tulsa County Zoning Code.

Subdivision Plat Requirement

In accordance with Section 260 of the Tulsa County Zoning Code, no building permit or occupancy permit shall be issued until a subdivision plat or plat waiver has been approved by the TMAPC.

Expected Schedule of Development

Development of the project is expected to commence and be completed as market conditions permit.

DETAILED STAFF RECOMMENDATION:

PUD 839 is consistent with the Comprehensive Plan of the City of Jenks. Tulsa County does not have a comprehensive plan for this area; and

The development standards defined in Section II above are harmonious with the existing and expected development of surrounding areas; and

PUD 839 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 County Zoning Code: therefore

Staff recommends **APPROVAL** of PUD-839 as outlined in Section II above.

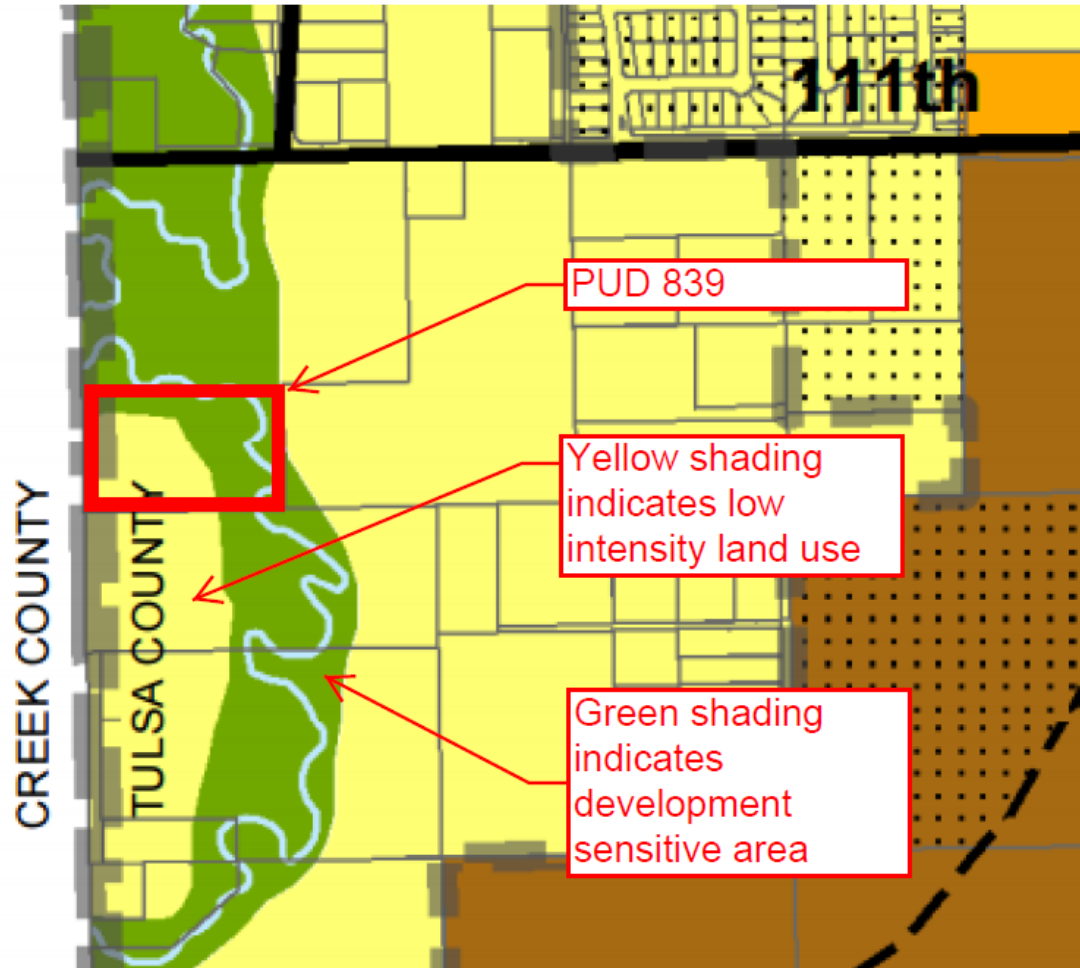
SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside the City of Tulsa Comprehensive Plan area however the Jenks Comprehensive Plan 2006-2015 illustrates this area as Development Sensitive and Low intensity. The comprehensive plan does not recognize a land use potential however residential uses are a low intensity use. The floodplain east of the site is in a development sensitive area and not likely to see significant development in the future.

City of Jenks Land Use Vision:

CITY OF JENKS COMPREHENSIVE PLAN LAND USE MAP



Transportation Vision:

Major Street and Highway Plan: None

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 floodplain north and east of the site is considered development sensitive in the City of Jenks. Future development will not cross the floodplain in the foreseeable future. Potential development will be limited to the yellow shaded areas close to the South 33rd Street right of way near the western border of Tulsa County. There are no known existing conditions other than the floodplain that will prohibit future development.

Environmental Considerations:

A portion of the tract is located within an area designated by FEMA to be in floodplain zone “AE”. Building pad sites will be designed in such a way that will allow the homebuilder to construct the finished floor elevation above the floodplain elevation.

A USDA soils report indicates that the tract is composed predominately of “Dennis-Radley complex, 0 to 12 percent slopes”, “Wynonna silty clay loam, 0 to 1 percent, occasionally flooded. A geotechnical report will be prepared prior to construction and used in the design of streets and infrastructure or the Tulsa County “Typical Section” for Sub-Division Streets will be utilized.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Secondary Arterial	100 feet	2

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The subject tract contains gently rolling terrain with floodplain located on the north and east portions of the development. Storm water runoff will be designed and approved by Tulsa County prior to the filing of the subdivision plat.

Creek Rural Water District #2 serves the property with water service and currently there is no sanitary sewer service in the area. Each lot will utilize aerobic systems for wastewater disposal. Other private utilities are available to the subject tract.

Surrounding Properties: The subject tract is surrounded by Agriculturally Zoned property on all sides except near the northwestern corner of the site in Creek County where a parcel has been rezoned to RMH-1 accommodating mobile homes.

SECTION IV: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

CZ-427 September 2013: All concurred in approval of a request for rezoning a 1± acre tract of land from AG to RS for residential use, on property located north of the northwest corner of S. 33rd W. Ave. and W. 121st St.

CBOA-2529 March 17, 2015: The Board of Adjustment **approved** a *Special Exception* to permit wedding and events in the AG District, with conditions: that the business will close at midnight and will have a five year time limit, March 2020; there is to be an all-weather parking surface required; the events at the business will be as presented to the Board, i.e., family reunions, corporate parties, outdoor weddings; and the signage allowed is to be no larger than 4'-0" x 8'-0"; on property located at 2926 W. 111th St. S.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Shivel "aye"; no "nays"; none "abstaining"; Covey, Reeds, Stirling, Willis, Walker "absent") to recommend **APPROVAL** of the RE zoning for CZ-442 and recommend **APPROVAL** for PUD-839 per staff recommendation.

Legal Description for CZ-442/PUD-839:

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AND BEING A PORTION OF THAT SAME TRACT OF LAND DESCRIBED BY METES AND BOUNDS IN GENERAL WARRANTY DEED, RECORDED DECEMBER 17, 2014

AS DOCUMENT # 2014113056 AT THE TULSA COUNTY CLERK'S OFFICE AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4, THENCE SOUTH 01°02' 15" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 854.03 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°01'38" EAST A DISTANCE OF 475.00 FEET; THENCE SOUTH 01°02'16" EAST A DISTANCE OF 467.53 FEET, THENCE SOUTH 89°03'41" WEST A DISTANCE OF 475.00 FEET TO A POINT ON SAID WEST LINE, THENCE NORTH 01°02'16" WEST ALONG SAID WEST LINE A DISTANCE OF 467.22 FEET TO THE POINT OF BEGINNING. CONTAINING 222,010 SQUARE FEET OR 5.097 ACRES OF LAND MORE OR LESS.

* * * * *

OTHER BUSINESS

21. Consider adopting amendment to Policies and Procedures of TMAPC

STAFF RECOMMENDATION:

Item for discussion: Adopt revised Policies and Procedures of the Tulsa Metropolitan Area Planning Commission, adding section 4.6 Comprehensive Plan and amendment notification process.

Background: In the July 15, 2015, TMAPC Work Session, the Planning Commission directed staff to include additional notification procedures for the adoption of Comprehensive Plans and amendments.

In response, the following section has been drafted for consideration.

4.6 Comprehensive Plan and amendment notification process. OKLA. STAT. tit. 19, §863.26 requires that notice is provided for all Comprehensive Plan public hearings by one publication in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing. The Commission has established additional notification procedures to inform nearby property owners of public hearings to consider adoption of Comprehensive Plans or amendments.

Comprehensive Plan or amendment	Newspaper notice	300' radius mailing	Sign posted on the property
Concurrent with a zoning case	X	X	X*
Not concurrent with a zoning case	X	X	
Comprehensive Plan or amendment with citywide implications	X		

*Signs only posted when required by concurrent zoning application

Staff recommendation: Adopt the revised *"Policies and Procedures of the Tulsa Metropolitan Area Planning Commission."*

TMAPC COMMENTS:

Mr. Shivel stated that generally he is used to seeing the least at the top and expand as it grows down on the charts. Ms. Miller stated that she can change the charts.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Shivel, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Stirling, Walker, Willis "absent") to **APPROVE** the amendments to Policies and Procedures of TMAPC per staff recommendation with requested change in the charts.

* * * * *

22. Commissioners' Comments: Mr. Dix stated that Mr. Walker received a message from Mr. Covey that his son is out of surgery and doing well.

* * * * *

TMAPC Action; 6 members present:

On **MOTION** of **DIX**, TMAPC voted **6-0-0** (Carnes, Dix, Fretz, Midget, Millikin, Shivel "aye"; no "nays"; none "abstaining"; Covey, Reeds, Stirling, Walker, Willis "absent") to **ADJOURN** TMAPC meeting 2704.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:30 p.m.

Date Approved:

10-07-2015


Chairman

ATTEST: Joshua A. Wolk *ACTING*
Secretary