

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2705

Wednesday, September 2, 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	Stirling	Fernandez	VanValkenburgh, Legal
Covey	Walker	Hoyt	Southern, COT
Dix	Willis	Huntsinger	
Fretz		Miller	
Midget		White	
Millikin		Wilkerson	
Reeds			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 27, 2015 at 3:31 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Director's Report:

Ms. Miller reported on the TMPAC receipts for the month of July 2015 and they have been consistent over the summer.

Ms. Miller reminded the Planning Commission that there are three major things still being worked on: River Design Overlay Group; Liquor store spacing that was requested by the City Council; and the Zoning Code Update.

Mr. Covey stated that he would like to know the process from the time the document was released for public comments. Ms. Miller stated that in March 2015 a draft was released for public comments and was available online; there were several night meetings for the public input; public comments were gathered and the consultant went over all of the comments and weigh those out with some of the decisions that were made during the citizen advisory committee; a new draft was released that is called TMAPC work session draft; there was a TMAPC work session, City Council work session and a joint TMAPC and City Council

work session; legal has drafted the notice for the newspaper and it will be published September 8th, 2015 and at that point a draft will be available with the anticipation of a September 28th public hearing.

Ms. Miller stated that INCOG is transitioning to posting in the Tulsa World since the structure and pricing has adjusted to a point that it will not be any more expense to the applicant or for the City/County to post in the Tulsa World.

Mr. Covey asked what the difference will be in the draft the Commission has now and the one that Kirk is going to submit for advertising. Ms. Miller stated that she doesn't know because she hasn't seen it. It will have some adjustments due to typos and some corrections. There were a couple issues he pointed out at the work sessions, such as the parking approach and possibly some policy adjustments regarding noticing. Ms. VanValkenburgh stated that staff is working on making it consistent throughout the document.

Mr. Reeds asked if a summary will be provided to show the newest changes. Ms. Miller stated that it can be done. Mr. Covey stated that he would like a red-line of the entire document.

Ms. Miller stated that the notice will be for a public hearing on September 28, City Council Chambers at 6:00 p.m. and there is also a meeting scheduled for September 29, at 6:00 p.m. in case the first meeting doesn't complete the public hearing. October 7, 2015 at the regular TMAPC meeting can also be a backup date if the two evening meetings are not completed. Once there is a conclusion, the TMAPC can make their recommendation to the City Council.

Ms. Miller stated that there will be a new draft version available September 8th, and she really doesn't want to have several versions during this process. It will be important to keep the newest draft version intact and when the TMAPC makes their recommendation, and there are additional changes they will be submitted on a separate sheet and put online as well.

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1. Minutes for August 19, 2015 need to be stricken.

Mr. Covey announced that the minutes for 8/19/15 have been stricken.

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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-20807** (Lot-Split) (County) – Location: West of the northwest corner of East 130th Street North and North 91st East Avenue
3. **LC-696** (Lot-Combination) (CD 4) – Location: Southwest corner of East 15th Street South and South Atlanta Place
4. **LC-697** (Lot-Combination) (CD 4) – Location: Southwest corner of East 3rd Street and South Peoria Avenue
5. **LS-20809** (Lot-Split) (County) – Northeast corner of East 161st Street South and South 161st East Avenue

STAFF RECOMMENDATION:
Applicant withdrew this application.

6. **CenterGate Business Park** – Final Plat, Location: North of northeast corner of East 61st Street and South 129th East Avenue, (CD 6)

STAFF RECOMMENDATION:
This plat consists of eight lots and two blocks on 71 acres.

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

7. **Luxe Cheer** – Final Plat, Location: West of South 101st East Avenue, South of East 61st Street South, (CD 7)

STAFF RECOMMENDATION:
This plat consists of one lot and one block on 2.3 acres.

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

8. **PUD-221-F-6 – Shaw Homes**, Location: South of the southeast corner of East 129th East Avenue and East 41st Street South, requesting a PUD Minor Amendment to increase allowable front yard coverage from 30% to 50%, **RS-3/RD/PUD-221-F**, (CD 6)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to increase the allowable front yard coverage of the subject lots from 30% to 50%

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

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-221-F and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase the allowable front yard coverage of the subject lots from 30% to 50%.

9. **PUD-397-A-2 – Eller & Detrich/Andrew Shank**, Location: Southeast corner of South 90th East Avenue and East 61st Street South, requesting a PUD Minor Amendment to permit the addition of an electronic message center, **RM-1/PUD-397-A**, (CD 7)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to permit the addition of an electronic message center.

Minor Amendment PUD-397-A-1 established the current allowable display area for ground signs for the subject lot, but did not permit the use of an electronic message center. The applicant is proposing to amend the PUD so that electronic message centers be allowed. To the west of the subject lot is a credit union and to the east is an undeveloped lot, zoned RM-1.

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

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

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-397-A and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow the addition of an electronic message center.

10. **AC-136 – Steven Carroll**, Location: North of the northwest corner of South Maybelle Avenue and West 41st Street South, requesting an Alternative Compliance Landscape Plan to maintain 23 existing trees in lieu of providing 21 trees required in street yard and omit requirement for underground irrigation, **IM**, (CD 2)

STAFF RECOMMENDATION:

SECTION I:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a property located north of the Northwest Corner of South Maybelle Avenue and West 41st Street South.

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

- 1) The number of street trees provided does not meet the minimum amount required per section 1002.C.1.
- 2) An underground irrigation system is not provided as required per section 1002.D.2.

The applicant has stated that 23 existing mature trees will remain on site, with 8 of these trees located in the required street yard. The applicant has also stated that the existing canopy has thrived without the use of

underground irrigation. The number of existing trees to remain exceeds the number of street trees that would be required.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-136.

Mr. Covey stated that Item 5 has been withdrawn by the applicant.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel “aye”; no “nays”; none “abstaining”; Stirling, Walker, Willis “absent”) to **APPROVE** Items 2 through 4, 6 through 10 per staff recommendation.

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

Mr. Covey stated that there are several requests for continuance, Items 15, 16 and 17 and he will take these requests at this time.

15. **PUD-221-h – Michael Joyce**, Location: Southeast corner of South 129th East Avenue and East 43rd Place South, requesting a **PUD Major Amendment, (CD) (Applicant is requesting a continuance to October 7, 2015)**

16. **PUD-128-I – City Council**, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting a **PUD Major Amendment** to abandon a portion of the PUD, (CD 2) (Related to Z-7314) **(Applicant has requested a continuance to October 7, 2015.)**

17. **Z-7314 – City Council**, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting, requesting rezoning from **RS-4/RM-2/PUD-128-E to AG**, (CD 2) (Related to PUD-128-I) (**Applicant has requested a continuance to October 7, 2015.**)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker, Willis "absent") to **CONTINUE** PUD-221-h, PUD-128-I, and Z-7314 to October 7, 2015.

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COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARINGS:

11. **CPA-37 – Eller & Detrich/Lou Reynolds**, Location: West of the southwest corner of East 51st Street South and South 145th East Avenue, requesting Comprehensive Plan Amendment to amend designation on the Land Use Map from "Employment" to "Town Center" on approximately 74 acres, **CO**, (CD-6)

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Employment</i>
Existing Stability and Growth designation: <i>Area of Growth</i>
Proposed Land Use: <i>Town Center</i>
Location: W of the SW/c of E 51 st St S and S 145 E Ave
Size: 74 acres

A. Background

The site that is subject to this Comprehensive Plan amendment application is located in southeast Tulsa, north of the Broken Arrow Expressway and abuts the Broken Arrow city limits on the east. The area is experiencing a considerable amount of residential and commercial development; however the surrounding area still contains a significant amount of vacant/undeveloped land. There is a mixture of land uses in the immediate area including multi-family residential, single family residential and commercial/retail. In a written statement provided with

the application, the applicant has expressed intent to develop a mixed use area on the site including residential, retail, dining and commercial.

The land immediately east of the subject lot within the City of Broken Arrow is designated as *Level 6 Regional Employment/Commercial* and *Level 3 Transition Area*. The area immediately south of the site within the within the City of Broken Arrow is designated as Level 6 Regional Employment/Commercial. The City Regulated and FEMA Floodplain Map dated January 22, 2015 illustrates that a portion of the subject tract is located in the City Regulated Floodplain.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

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

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

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

An *Existing Employment land* use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“**Employment** areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or

information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.”

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

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing a *Town Center* use designation on the subject site.

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

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-1/PUD-669	<i>Town Center</i>	Growth	undeveloped & multifamily residential
South	Broken Arrow City Limits - AG & CH	<i>Level 6 –Regional Employment Commercial (Broken Arrow Comprehensive Plan)</i>	NA	Broken Arrow Expressway & commercial/retail
East	Broken Arrow	<i>Level 3- Transition Area & Level 6 –</i>	NA	undeveloped, single-family

	City Limits - RM/PUD 177, CH/PUD- 124, A-CH	<i>Regional Employment Commercial (Broken Arrow Comprehensive Plan)</i>		residential & commercial/retail, multifamily residential in the process of being constructed
West	AG & CO	<i>Employment</i>	Growth	Single-family residential & undeveloped

E. Applicant’s Justification:

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

“How Conditions of the Subject Area and Surrounding Property have changed

The Property is comprised of 74 acres of vacant land. The property is part of a nearly triangular shaped area bounded on the north by East 51st Street, the east by the City of Broken Arrow, and the south and west by the Broken Arrow Expressway and South 129th E Avenue. When the Property was planned as “Employment” by the Comprehensive Plan, this area was undergoing a transition and at that time most of the growth and development in the area would have been more accurately characterized as “Town Center”. During the planning process for the Comprehensive Plan and immediately thereafter, most of the recent activity in both the City of Tulsa and adjacent Broken Arrow resulted in projects being zoned and/or develop for residential use. One such project was recently developed on the north side of E 51st St and another east of the Property in Broken Arrow. The completion of these projects evidence desirability and visibility of the “Town Center” designation in this area.

How those Changes have Impacted the Subject Area to Warrant the Proposed Amendment

The subject area is designated as “Employment” when most of the growth during the planning process for the Comprehensive Plan and immediately thereafter within the area has been more supportive of a land use designation of “Town Center” based on the development of residential projects around the subject property.

How the Proposed Change Will Enhance the Surrounding Area and the City of Tulsa

The request for a “Town Center” planning designation is a further evolution of the Comprehensive Plan, is minor in nature, and will enhance the surrounding area and the City of Tulsa by planning for sufficient densities of mixed use area and related housing to support the services and infrastructure necessary to maintain them. Additionally, this request near the border of the City of Broken Arrow will provide a more compact development pattern which supports the growth of the area and the City of Tulsa in a more suitable manner. Moreover, a “Town Center” designation in addition to providing employment opportunities also provides for a range of housing options that also support a mix of uses including retail, dining and services resulting in fewer and shorter automobile trips, reducing road maintenance which would also add to the City of Tulsa’s revenue base and reduce the City’s expenses.”

F. Staff Summary:

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

The 74 acre subject site and the much of the area to the west were designated as *Employment* when the Comprehensive Plan was adopted in 2010. The subject site is abutted by *Town Center*, *Existing Neighborhood* and *Employment* land use designations on the north. Since 2010 there have been no noted changes in zoning and land use designations in the area surrounding the subject site. Much of the recent development surrounding the subject site appears to be multi-family residential on the north and commercial care sales and a commercial storage facility on the southeast. In addition, east of the subject lot a multi-family residential development is in the early phase of construction.

How changes have Impacted the Subject Area to Warrant the Proposed Amendment

A priority of the Tulsa Comprehensive Plan (p.79) states: *“Integrate and balance land uses, so they complement the surrounding area”*. The existing land use designation *Employment* contains office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. *Employment* areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. The *Employment* designation may no longer be suitable for the planning area as it appears that much of the recent development in the surrounding area consist of multi-family (high density) residential and commercial/retail.

The proposed *Town Center* designation on the site would be an extension of the existing *Town Center* land use designation immediately north of the subject lot. The emerging growth of multi-family residential in the surrounding area stimulates a need for community grocery stores, dining, employment and other amenities within a short drive, walk, or bike ride of these residences.

Town Centers, as stated in the Comprehensive Plan are intended to serve neighborhoods with retail, dining, and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges; a *Town Center* also may contain offices that employ nearby residents. The *Town Center* land use designation would be consistent and compatible with the emerging growth of and development patterns of the surrounding area.

How the Proposed Change will enhance the Surrounding Area and the City of Tulsa

In this particular instance attention must be paid to maintaining compatible land use patterns between the City of Tulsa and the City of Broken Arrow abutting the subject lot on the east and southeast. As shown in **Figure 1**, a *Level 6-Regional Employment/Commercial* land use designation is assigned to the area immediately east and south on the subject lot within Broken Arrow. There is a small area designated as *Level 3- Transition Area* immediately east of the subject lot within Broken Arrow.

The Broken Arrow Comprehensive Plan states the following: ***Level 6 – Regional Employment/Commercial*** represents an opportunity to develop regionally significant and highway oriented-commercial and employment nodes in Broken Arrow. The *Level 6* classification is for a mixture of medium to high intensity commercial and employment uses in the vicinity of a major transportation

*corridor...Typical uses could include large shopping centers, nib box retailers, commercial, automotive, and office/employment centers. **Level 3 – Transition Area** represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for level 3 are high density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and planned office parks.”*

The proposed *Town Center* designation is consistent with the defined *Level 6 – Regional Employment/Commercial* and *Level 3 – Transition Area* in its promotion of mixed-used areas that encouragement a mixture of shopping, commercial/employment centers alongside single-family and multi-family residential. The City of Broken Arrow land use recommendations for the areas immediately east and southeast of the subject site appear to be compatible with the proposed *Town Center* designation.

With such a large tract of land there is a desire to assure proper accessibility, traffic circulation and compatibility with properties abutting the proposed mixed-use development. The Major Street and Highway

Plan shown in **Figure 2** proposes a collector along the western boundary of the subject site providing a connection between E 51st St S and N Aspen Ave.

The submitted conceptual plan proposes a collector street connecting and E 51st St S and N Aspen Ave on the east; the proposed plan also provides a connection from E 51st St S and W Fargo St an existing right-of-way on the southeast.

As shown in **Figure 3** development along the eastern border of the subject tracts includes attached single family (e.g., townhouse, duplex) commercial and storage; anticipated development along the western boundary of the site includes multi-family and office/retail. It appears that the proposed land uses on the subject site are compatible with the existing land use and the emerging growth and development patterns of the surrounding area.

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

As stated by the Comprehensive Plan a major goal of the surrounding area, an *Area of Growth*, is to increase economic activity in the area to benefit existing residents and businesses. The proposed change is likely to stimulate economic activity on the site by promoting development of commercial/retail, dining, employment and other amenities that support and benefit the existing residents and businesses in the area.

STAFF RECOMMENDATION

- Staff recommends **Approval** of the *Town Center* designation as submitted by the applicant.

RESOLUTION

TULSA METROPOLITAN AREA PLANNING COMMISSION

Resolution No.: 2705:938

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION, PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; AMENDING THE TULSA COMPREHENSIVE PLAN BY ADOPTING AN AMENDMENT (CPA-37) TO THE LAND USE MAP OF THE TULSA COMPREHENSIVE PLAN.

WHEREAS, the Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to ensure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

WHEREAS, pursuant to Title 19 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 29th of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law, and which has been subsequently amended; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 6th of July 2010, adopt an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area, which pertains only to those areas within the incorporated City limits of the City of Tulsa, known as the Tulsa Comprehensive Plan,

which was subsequently approved by the Tulsa City Council on the 22nd of July 2010, all according to law, and which has been subsequently amended; and

WHEREAS, on July 23, 2015, the owners of properties identified on the attached map as CPA-37 applied for an amendment of the Tulsa Comprehensive Plan to change the land use designation of the property on the Land Use Map; and

WHEREAS, a public hearing was held on September 2, 2015 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19 Oklahoma Statutes, Section 863.7, to adopt the amendments to the Tulsa Comprehensive Plan, as hereafter described.

CPA-37: Amend designation on the Land Use Map from "Employment" to "Town Center" on approximately 74 acres located west of the southwest corner of East 51st Street South and South 145th East Avenue.

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the Tulsa Comprehensive Plan, as adopted by the Tulsa Metropolitan Area Planning Commission on July 6, 2010 and as amended from time to time, shall be and is hereby amended, to include the amendment as described above.

Section 2. That a true and correct copy of the pertinent portion of the Land Use Map, showing the amendment, is attached to this Resolution.

Section 3. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 4. That upon approval by the Tulsa City Council, or should the City Council fail to act upon this amendment to the Tulsa Comprehensive Plan within forty-five (45) days of its submission, it shall be deemed approved with the status of an official plan and immediately have full force and effect.

ADOPTED on this 2nd day of September, 2015, by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its *ex officio* members.

Michael Covey, Chairman
TMAPC

ATTEST:

Ryon Stirling, Secretary
Tulsa Metropolitan Area Planning Commission

Ms. Moye presented the above staff report and described the subject property and subject area.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the light industrial doesn't really exist in the subject area. He believes that this is an area with a growing residential component. Mr. Reynolds described the recent apartment and residential developments in the subject area.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker, Willis "absent") to recommend **APPROVAL** of the requested Comprehensive Plan amendment designation on the Land Use Map from "Employment" to "Town Center" on approximately 74 acres per staff recommendation.

PUBLIC HEARINGS:

Mr. Covey announced that Item 12 will be moved to be heard after Item 20.

13. **CZ-444 – CFS Properties LLC/Harlan Van Wyhe**, Location: Northwest corner of North Yale Avenue and East 96th Street North, requesting rezoning from **AG to CG**, (County)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant has requested CG zoning to allow for a mini-storage facility.

DETAILED STAFF RECOMMENDATION:

The requested CG zoning is not compatible with the existing surrounding zoning. CS zoning however does exist nearby and would be more consistent with the surrounding uses and intensities. The uses allowed by right in the CS zone are less intense than those allowed in the CG zone.

With CS zoning, the applicant would be required to receive Special Exception approval from the County Board of Adjustment in order for mini-storage to be allowed.

Staff recommends **DENIAL** of CZ-444 request to rezone property from AG to CG and **APPROVAL** to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

No current comprehensive plan contains a designation for CZ-444 however it is designated as Corridor in the North Tulsa County Comprehensive Plan 1980-2000.

Corridors are defined as specific areas located along expressways and are to contain major employment and region serving functions in concert with a relatively high residential use.

Transportation Vision:

Major Street and Highway Plan: North Yale Avenue and East 96th Street North are both designated as secondary arterials.

Trail System Master Plan Considerations: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is located on East 96th Street North between Highway 75 and North Yale Avenue. The site is currently vacant farmland.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Yale Avenue	Secondary Arterial	100 feet	2
East 96 th Street North	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water. A state approved septic system is anticipated for this site.

Surrounding Properties: The subject tract is abutted on the east by single-family residences, zoned AG; on the north by farmland, zoned AG; on the south by vacant land, zoned AG; and on the west by Highway 75, zoned AG.

SECTION III: Relevant Zoning History

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

Subject Property:
No relevant history.

Surrounding Property:

CZ-357/ PUD-715 July 2005: All concurred in **approval** of a request for rezoning a 9.6± acre tract of land from AG to RE/CS and a proposed Planned Unit Development for mechanical and plumbing business and single-family use, on property located west of the southwest corner East 96th Street North and Highway 75 North.

CBOA-1841 April 17, 2001: The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage in a CS district; and a *Special Exception* to permit a dwelling unit in a CS district to provide security for the mini-storage, with condition to provide low intensity lighting and away from residential area, on property located on the northwest corner of East 96th Street North and Highway 75 North, also known as 4335 E. 96th St. N.

CZ-276 December 2000: A request to rezone a 31± acre tract from AG to CS was **withdrawn** by the applicant prior to public hearing, on property located on the southeast corner of East 96th Street North and Highway 75 North.

CZ-264 May 2000: A request was made to rezone a 3.8± acre tract from RS to CS, for a mini-storage facility, on property located on the northwest corner of East 96th Street North and Highway 75 North. TMAPC recommended **approval** of CS zoning on south 150' of the tract and denial of the balance.

CZ-205 August 1993: All concurred in **approval** of a request to rezone a 4± acre tract from CS to RS for residential development, on property located on the northwest corner of East 96th Street North and Highway 75 North.

CBOA-560 June 18, 1985: The Board of Adjustment **approved** a *Special Exception* to permit church use; subject to plat and stipulating ingress and egress to the property and returning to the Board with a plot plan showing location of proposed building, septic system and parking area; and a *Variance* of the all-weather material for a parking surface to be gravel; for a time limit of one year, on property located on the southwest corner of 96th St. N. and Highway 75.

CZ-56 August 1982: A request to rezone a 60± acre tract located in the northwest corner of East 96th Street North and U. S. Highway 75 North and including the north half of the subject tract, from RE and CS to RMH was filed. The applicant amended the request by re-advertising for a change from RE and CS to RS. All concurred in **approval** of the requested RS zoning, leaving the CS portion of the tract.

CZ-29 August 1981: A request to rezone 60± acres from RE to CG and RMH on property located north and west of East 96th Street North and U. S. Highway 75 North. All concurred in **APPROVAL** of rezoning the 10 acres at the immediate intersection on the southeast corner of the tract to CS and denial of the balance.

CZ-7 February 1981: All concurred in **denial** of a request for rezoning a 5± acre tract of land from RE to IM for a concrete ready mix plant, on property located on the northwest corner of 96th St. N. and Highway 75 North.

Applicant's Comments:

Rick Yorman, representing CFS Properties, LLC, 9700 East 90th Court North, Owasso, 74055, stated that there are five property owners in the Owasso area and plan to build a storage facility. Mr. Yorman stated that they plan to start on the west side of the subject property and move toward the east side. Mr. Yorman commented that he believes this is needed in the subject area.

Mr. Covey asked Mr. Yorman if he agrees with staff's recommendation to deny the CG request and approve the CS request. Mr. Yorman stated that he is in agreement with staff's recommendation.

Mr. Dix stated that this is 14.7 acres and he asked Mr. Yorman how much of the acreage he plans to build a mini-storage facility. Mr. Yorman stated that his plan is to start at the west end and probably 5 to 7 acres. To utilize the entire 14 acres would be long-term plans. Mr. Yorman explained that he would respond to the market as time goes by. Mr. Dix asked Mr. Yorman if he had plans for anything close to the intersection. Mr. Yorman stated that he wouldn't have any development close to the intersection.

Mr. Dix asked staff why they didn't encourage a PUD for the subject property. Mr. Hoyt stated that it is not really necessary for this because with the zoning it will require a special exception and the Board of Adjustment can accomplish the same thing. Mr. Dix asked if the CS limits the subject property to mini-storage use. Mr. Hoyt stated that it doesn't. Mr. Dix stated that is the problem with this application since there are 14 acres rezoned to CS. Mr. Dix explained that this is a very rural neighborhood area, which he drove by yesterday. Mr. Hoyt stated the reason staff suggested CS zoning is because the usage is less intense than CG zoning. Mr. Wilkerson stated that CG had some objectionable uses and staff could have recommended a PUD, but with this particular application the CS designation is consistent with the Comprehensive Plan and the applicant will have to go before the Board of Adjustment to define where or if a mini-storage is allowed anywhere on the site. During the Board of Adjustment application it will be fined tuned, which is similar to a PUD in a lot of ways. Mr. Dix stated that he doesn't have a problem with storage units on five acres or less, but his problem is leaving the CS on the rest of the property. Mr. Dix reiterated that this is a rural neighborhood area and he is concerned that the balance of the land will have CS zoning on it.

INTERESTED PARTIES COMMENTS:

Sandra Farney, 9611 North Yale Avenue, Sperry, 74073, stated that this is a very strong residential area and they are united. Ms. Farney indicated that she mailed a letter to INCOG to be forwarded to the Planning

Commission (Exhibit B-1). Ms. Farney commented that this is a very rural neighborhood area and she isn't against progress, but she would like to be respected and considered in the changes. These are our homes where we raised our families and would like to preserve some sort of consistency and quality of life that they have. Ms. Farney stated that there are plenty of mini-storage facilities within reach and most everyone has plenty of room to store their own things and she is not sure it is justified to have mini-storage on the subject property.

TMAPC COMMENTS:

Mr. Midget asked Ms. Farney if she would object if it was only on the subject portion. Ms. Farney stated that her concern is zoning the entire property CS and what happens to the other half once it is zoned CS. Mr. Midget asked Ms. Farney if there were conditions on the east side would she be less objectionable to the mini-storage. Ms. Farney stated that it will bring in a lot of traffic and intrusion into a quiet residential area. Ms. Farney indicated that there are other vacant lands in the subject area that are not too close to residential areas that could be used for mini-storage.

Applicant's Rebuttal:

Mr. Yorman stated that he would be happy to respond to Ms. Farney's letter and would like to have a copy of any concerns that they have. Mr. Yorman stated that starting on the west end is more appropriate for the neighborhood. It is his vision that when business responds to the facility they would build to the east. Mr. Yorman explained that he can't commit to say where they would go, but he can respond to the idea of building in the west and avoid the east side.

TMAPC COMMENTS:

Mr. Reeds asked about the access points onto the subject property. Mr. Yorman stated that currently there is access several hundred feet back from Highway 75 off of 96th Street North. It is his intention to use the existing access. The ODOT has a say in the access points and he has discussed this with them.

In response to Mr. Covey, Mr. Wilkerson stated that the County Land Use Plan up to date has been fairly well followed in the subject area. The subject property fits within the corridor.

Mr. Wilkerson stated that one of the options the Planning Commission does have, if they choose to approve this application, is to change the geographical area. Granted the applicant is trying to purchase the entire 14 acres, but the Planning Commission can approve the west-half of the subject property instead the entire property. Mr. Wilkerson stated that the access could be dealt with and the applicant has had some conversations with ODOT and there will not be any direct access off of Highway 75.

Mr. Dix stated that the 1980-2000 Land Use Plan shows commercial on the east side of Yale and it is incorrect and not CS. Mr. Dix stated that he doesn't give this plan any validity that it will ever be commercial and it will be a very long time before any of the intersections become commercial. Mr. Dix cited the development in the surrounding area and stated that he keeps a close eye on the area.

Mr. Dix stated that he would make a motion that CS zoning be approved for the western half of the site with access available through the site wherever it need be and deny the CS zoning on the eastern half of the subject property.

Mr. Reeds seconded.

Mr. Dix explained to the interested party that mini-storage is about the most innocuous uses there could be, other than a cemetery. Mr. Dix further stated that they are very quiet and he has one half a mile from his home and never have any issues with the facility.

Mr. Midget stated that he agrees with Mr. Dix regarding the use and if the applicant decides to rezone the balance of the property he would have to come back and the neighbors would be notified again.

Mr. Fretz stated that he believes that this is a good compromise for the both the applicant and the neighbors and he supports it.

Ms. VanValkenburgh stated that the resolution will need a better legal description for the western half. Mr. Wilkerson suggested that it could be stated as the west half as measured along the north property line or half of the land area.

TMAPC Action; 8 members present:

On revised **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker, Willis "absent") to recommend **APPROVAL** of the CS zoning for the western half of the property as measured along the north property line of the CZ-444 and recommend **DENIAL** of the CS zoning for the eastern portion of the subject property on CZ-444.

Legal Description for CZ-444:

Tract B:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 SE4 SE4) OF SECTION SIXTEEN (16) OF TOWNSHIP TWENTY-ONE (21) NORTH AND RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M), ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE SE/4 OF SEC. 16, T-21-N, R-13-E, I.B.&M.;

THENSCE S 88°38'05" W ALONG THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 175.93 FEET TO THE PRESENT RIGHT-OF-WAY OF U.S. HIGHWAY 75; THENCE N 01°21'58" W ALONG SAID PRESENT RIGHT-OF-WAY (UNTIL OTHERWISE NOTED) A DISTANCE OF 33.00 FEET; THENCE N 83°03'05" W A DISTANCE OF 342.93 FEET TO THE POINT OF BEGINNING; THENCE N 83°03'05" W CONTINUING ALONG SAID PRESENT RIGHT-OF-WAY (UNTIL OTHERWISE NOTED) A DISTANCE OF 465.57 FEET; THENCE S 83°03'05" W A DISTANCE OF 162.85 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 21365.90 FEET, A CENTRAL ANGLE OF 00°10'19", A CHORD LENGTH OF 64.11 FEET, A CHORD BEARING OF N 01°02'30" W, FOR A DISTANCE OF 64.11 FEET; THENCE N10°51'00" E A DISTANCE OF 152.10 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 21335.90 FEET, A CENTRAL ANGLE OF 00°48'04", A CHORD LENGTH OF 298.27 FEET, A CHORD BEARING OF N 00°06'23" W, FOR A DISTANCE OF 298.2 FEET TO THE NORTH LINE OF THE S/2 SE/4 OF SAID SE/4; THENCE N 88°37'20" E LEAVING SAID PRESENT RIGHT-OF-WAY AND ALONG THE NORTH LINE OF SAID S/2SE/4 SE/4 A DISTANCE OF 583.93 FEET; THENCE S 01°24'52" E A DISTANCE OF 578.42 FEET TO THE POINT OF BEGINNING, AND CONTAINING 7.37 ACRES, MORE OR LESS.

* * * * *

14. **Z-7312 – Tulsa Habitat for Humanity, Inc.**, Location: Southwest corner of North Quincy Avenue and East Latimer Street, requesting rezoning from **CH to RM-1**, (CD 1)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a property that is currently in CH zone to RM-1 zone. The applicant proposes to construct 6 single-family houses at this location.

DETAILED STAFF RECOMMENDATION:

Z-7312 requesting RM-1 (Residential Multifamily) as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

RM-1 zoning is harmonious with existing surrounding property; and

RM-1 zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **APPROVAL** of Z-7312 for the rezoning from CH to RM-1

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7312 is included in Downtown Neighborhood and an Area of Growth. The rezoning request will complement the

vision identified. The RM-1 zoning designation will provide the opportunity for neighborhood development and allow density to match the long term vision for the area.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Residential Collector

Residential collector streets strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect

recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures.

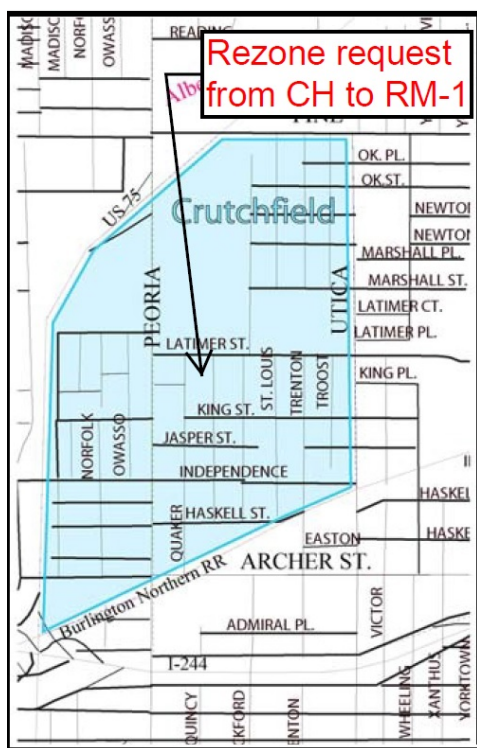
In both cases residential collector streets tend to be more pedestrian oriented than commuter streets, giving higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes than to the number of travel lanes.

Residential collector streets consist of two to four travel lanes and place a much higher priority on pedestrian and bicycle accessibility than on auto mobility.

Trail System Master Plan Considerations: None

Small Area Plan: Crutchfield Neighborhood

Staff Summary: Rezoning the site from CH to RM-1 is consistent with the vision of the Crutchfield Neighborhood Small Plan adopted by City Council in July 2004.



The Crutchfield Neighborhood

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is primarily vacant with a portion being used for parking trucks for a local moving company

Environmental Considerations: No known environmental considerations that would affect the redevelopment opportunity for this site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Quincy Avenue	No Designation	50 feet	2
East Latimer Place	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by single family-residences, zoned RM-1; on the north by a disused industrial site, zoned IM; on the south by a moving company, zoned CH; and on the west by single-family residences, zoned CH.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 18520 dated July 27, 1995, established zoning for the subject property.

Subject Property:

Z-6492 July 1995: All concurred in approval of a request for rezoning a 1.44± acre tract of land from OL to CH for a moving company use, on property located on the southwest corner of E. Latimer St. N. and N. Quincy Ave.

Surrounding Property:

BOA-20188 January 24, 2006: The Board of Adjustment **approved** a *Special Exception* to permit a community center (Use Unit 5) (Section 401); a *Variance* of 35 ft building height to 45 ft; and a *Variance* of structure height to 50 ft for ropes course structures in an RM-1 district, on property located south of the southeast corner of N. Peoria Ave. and E. Latimer St., also known as 1006 North Quaker Avenue.

BOA-18526 October 12, 1999: The Board of Adjustment **approved** a *Special Exception* to allow for one single-family dwelling per lot in a CH district, the houses must meet the RS-4 yard requirements, on property located at south of the southeast corner of E. Latimer St. and N. Quaker Ave.

Applicant's Comments:

Larry Vitt, 6235 East 13th Street, 74112, representing Tulsa Habitat for Humanity, Inc., stated that he is requesting to rezone the vacant property and build homes.

INTERESTED PARTIES COMMENTS:

Al Gaines, 250 East Xyler, 74106, stated that he opposes this application and doesn't feel it is necessary to change for residential because there is plenty of residential all around there.

Jeff Howard, 1528 East 75th Place, 74136, stated that he owns the moving property to the south of the subject property. Mr. Howard further stated that he understood that the line was further to the north and didn't realize it was coming that far south on lots that he is currently using to park and work on trucks. He expressed houses being built next to his business because he can foresee complaints from the neighbors and he could get squeezed out of there. He indicated that the business has been in place since 1991. Mr. Howard stated that his employees live on the property where his business is located in the existing house.

Mr. Midget asked if the existing residence complain about his business now. Mr. Howard stated that they do not and the business has been there since 1991. Mr. Midget stated that one of Mr. Howard's concerns was that he would get complaints by the new home owners and he is not getting that now from the existing neighborhoods.

In response to Mr. Shivel, Mr. Howard stated that until today's meeting he didn't realize that the properties came so close to his business and that his trucks are parked on their property.

Mr. Dix asked Mr. Howard if he had a survey of his property. Mr. Howard stated that he didn't. Mr. Dix asked if he owned the property or is he leasing the property where the business is located. Mr. Howard stated that he is leasing the property. Mr. Howard indicated that his employees purchased the home to the south of the subject property and they want to keep the company going.

Ken Duckworth, 1105 North Peoria, 74106, stated that he owns the property has two gates on Latimer and one is across the street from the proposed site. He explained that he has been on his property since 1995

and he really hasn't had any problems, but he is concerned that once houses are built and that later they will complain of the noise. Mr. Duckworth stated that semi-trailers pull in and out of the gate 24/7. Mr. Duckworth commented that he does support Habitat for Humanity, but he is trying to put everyone on notice that there is industrial medium across the street from the subject site and it represents noise.

Mr. Midget stated that he understands what Mr. Duckworth is saying, but normally if someone buys into an area where there is an existing condition, than they knew of the existing condition beforehand. That would weigh heavily on the business owners side if they complained. Mr. Duckworth stated that he grew up in Tulsa and he fears that he would be treated like the Fairgrounds regarding noise. Mr. Midget stated that the fairgrounds are still in the same location.

Mr. Reeds asked if he has had any complaints from existing neighbors. Mr. Duckworth stated that he has attended the neighborhood meetings and they complain about the Jake brakes on the semi-trucks making noise. Mr. Duckworth stated that he talked with his drivers and asked them to curtail the Jake brakes. Mr. Duckworth explained why Latimer is busy with truck traffic.

Carla Gimeson, 1012 North Quincy Avenue, 74106, stated that she recently purchased her home and she owns the property we are in question of. She explained that when she was purchasing the property she tried to purchase an additional tract of land to prevent what is happening at this point. Ms. Gimeson expressed concerns that her business won't have room to maneuver their trucks in and out of their subject property. Ms. Gimeson stated that she is concerned about the congestion on the street when the homes are built and not being able to get their trucks down the street to their site.

In response to Mr. Midget, Ms. Gimeson stated that the trucks come in from Latimer and down Quincy and then back the trucks into the lot. Ms. Gimeson stated that currently there is no problem getting to her lot, but she has noticed that when Habitat people have a lot of friends come over and they are parking all the way down the street. Mr. Midget asked if Quincy is a residential street. Ms. Gimeson stated that it is a residential street. Mr. Midget stated that the business has an issue there anyway with it being a residential street, but that is another story.

Applicant's Rebuttal:

Mr. Vitt stated that he appreciates the concerns and the empty properties that were mentioned in other areas had title issues and was unable to be resolved. He commented that Habitat for Humanity would love to have the entire area, but title issues have gotten in the way. Mr. Vitt commented

that he doesn't want to hinder the existing business to the south of the subject property. The homes are very well insulated to prevent noise issues.

Mr. Covey asked if the resident's get to select their property. Mr. Vitt stated that they do. Mr. Covey stated that the new resident would be going in with the full knowledge of what is around them. Mr. Vitt agreed with Mr. Covey's statement.

Mr. Fretz asked if the land would be replatted. Ms. Vitt stated he would be replating for five lots.

Mr. Reeds asked Mr. Vitt if he would have five lots with five single-family homes. Mr. Vitt answered affirmatively. Mr. Vitt stated that the homes will have minimum side yards.

In response to Ms. Millikin, Mr. Vitt stated that the resident does have a house payment, but they do not pay interest. Mr. Vitt stated that they have monthly mortgage payment, pay property taxes and insurance. Ms. Millikin asked Mr. Vitt to address the interested parties concerns that once the homes are built there would be access issues. Mr. Vitt stated that they try to put in double-wide driveways and there would be room for four cars to be parked in the driveway. Mr. Vitt suggested that the business owner could request no parking signs on the street.

Mr. Covey asked Mr. Hoyt about the comments that the property line is too far south. Mr. Hoyt stated that the applicant supplied the legal description. Ms. Miller stated that it would be a problem if the applicant believes it is incorrect.

Discussion ensued regarding the south property line.

Mr. Dix asked if there has been a survey and will there be title insurance provided. Mr. Vitt stated that he hasn't had a survey yet and yes there will be title insurance.

Mr. Wilkerson stated that sometimes the aerial image and the actual lot may not be in alignment and that they may be a part of what everyone is seeing. The aerial image has shifted a little and he is confident that the legal is correct.

In response to Mr. Covey, Ms. VanValkenburgh stated that a correct legal is very important. The problem may only be the way it is depicted and that really doesn't matter, because the legal description is what is used for rezoning.

Mr. Shivel recognized Ms. Gimeson. Ms. Gimeson stated that she is offering to purchase one more of the lots to have more of a buffer between the business and the proposed homes. Ms. Gimeson further stated she owns the empty properties across the street and the titles to the other properties can be cleaned up and sold to him. Mr. Covey explained to Ms. Gimeson that the purchasing and selling of lots are a private civil matter.

In response to Mr. Fretz, Mr. Midget stated that City Legal has already said that the legal description is correct and the zoning is from the legal description. Ms. VanValkenburgh stated that she is relying on staff that the legal description is correct.

Mr. Midget stated that he trusts Habitat for Humanity that the legal is correct and he is happy to see them working in the subject area. The City is partners with the revitalization of the area and have been for years, as well as the Home Builders Association has been a part of that. Mr. Midget stated that he would like to see this continue and flourish.

Ms. Millikin stated that she didn't feel the access for the business trucks has been resolved and who would they talk to about no parking on the street.

Ms. VanValkenburgh stated that the City would have to take action to establish a no parking on the street. Ms. VanValkenburgh stated further stated that any homeowner can petition the City and ask for the no parking.

Mr. Southern stated that they can contact Engineering Services. Mr. Midget stated that they need to contact Traffic Engineering, Kurt W. Kraft, Traffic Operations Manager's office. Mr. Midget stated that the business can petition for the no parking on the street as well. Mr. Midget explained that there are some other issues with this since it is a residential street.

Mr. Reed stated that he supports this application because it is in compliance with the Comprehensive Plan and it is how we want our City to grow.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker, Willis "absent") to recommend **APPROVAL** of the RM-1 zoning for Z-7312 per staff recommendation.

Legal Description for Z-7312:

LTS 1, 2, 3, 4, 5 & 6, BLK 4, CAPITOL HILL SECOND ADDN SUB L1-2 B4, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Mr. Wilkerson stated that Items 18 and 19 are companion items and will be presented together.

Mr. Carnes out at 3:04 p.m.

18. **Z-7313 – Eller & Detrich/Lou Reynolds**, Location: East of the southeast corner of South Harvard Avenue and East 27th Street South, requesting rezoning from **OL to CG**, (CD 9) (Related to PUD-841)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The requested CG zoning is only appropriate with the associated Planned Unit Development No. 841 (“PUD-841”) and is limited to permit a private automobile collection to be stored indoors.

The Project is located east of the intersection of South Harvard Avenue and East 27th Street. The building will be designed to accommodate a private automobile collection and will include a small office, restroom and storage area, while blending into the residential neighborhood to the east. The building will be designed with a rural residential theme with barnlike garage doors and dormer windows on its north face. There will be no vehicular entrances on the south, east or west sides of the building.

DETAILED STAFF RECOMMENDATION:

Z-7313 requesting CG zoning is consistent with the Tulsa Comprehensive Plan however CG zoning is not consistent with the existing surrounding properties on the north and east side of the site; and

Z-7313 requesting CG zoning in conjunction with PUD-841 provides use limitations and development standards that are harmonious with the existing and expected development of the surrounding areas; and

Z-7313 in conjunction with PUD-841 is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code; therefore

Staff recommends **APPROVAL** of Z-7313 to rezone property from OL/ to CG, but only in conjunction with PUD-841.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The lots facing this street are considered part of a Mixed Use Corridor and a Town Center on the north side of East 27th Street South. Future development along this street is expected to evolve from a residential street to a mix of uses because of the direct connection to Harvard and the Expressway. The development of this site is the beginning of that land use change.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial

street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: 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 existing site is a gently sloping vacant site on a street that ties Harvard to the Broken Arrow Expressway. The existing lot contains several existing trees. Some of those trees will be saved during the construction of this project and is adjacent to the back side of a commercial PUD facing Harvard.

Environmental Considerations: None that affect development of this site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 27 th Street South	None	50 feet	2

Utilities:

Water:

A six inch City of Tulsa water line is located on the north side of the Project.

Sanitary Sewer:

An eight inch City of Tulsa sanitary sewer is located to the south of the Project.

Other Utilities:

Other utilities, including electric, gas, telephone and cable television are currently available at or on the site.

Surrounding Properties: The subject tract is abutted on the east by single family residential property, zoned RS-3; on the north by office and single family residential, zoned OL and RS-3; on the south and west by commercial property, zoned PUD-621/OL/PK.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 22647 dated March 26, 2012, established zoning for the subject property.

Subject Property:

Z-7194 March 2012: All concurred in approval of a request for rezoning a 14,810± square foot tract of land from RS-3 to OL for office use, on property located east of southeast corner of East 27th Street and South Harvard Avenue and also known as the subject property.

Surrounding Property:

Z-7145 January 2010: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a small office on property located east of northeast corner of South Harvard Avenue and East 27th Street.

Z-6925 February 2004: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a beauty shop on property located east of the southeast corner of East 27th Place South and South Harvard Avenue.

BOA-18904 November 14, 2000: The Board of Adjustment approved a Special Exception to permit an auto painting shop within 150 ft. of an R district, on conditions that all painting and related activities be conducted within the building, all permits, licenses and inspections be obtained, and all access from Harvard Ave., on property located north of the northeast corner of S. Harvard Ave. and E. 27th St., also known as 2615 S. Harvard.

PUD-621 November 1999: All concurred in approval of a proposed Planned Unit Development on a 2.5± acre tract of land for office and commercial development on property located on the southeast corner of East 27th Street South and South Harvard Avenue and abutting west of subject property.

Related Item:

19. **PUD-841 – Eller & Detrich/Lou Reynolds**, Location: East of the southeast corner of South Harvard Avenue and East 27th Street, requesting **PUD** to allow an indoor auto collection and provide design standards to integrate this site into Mixed-Use Corridor, **OL to CG/PUD-841** (CD 9) (Related to Z-7313)

STAFF RECOMMENDATION:

APPLIANTS DEVELOPMENT CONCEPT:

Planned Unit Development No. 841 (“PUD-841”) is to permit a private automobile collection to be stored indoors.

The Project is located east of the intersection of South Harvard Avenue and East 27th Street. The building will be designed to accommodate a private automobile collection and will include a small office, restroom and storage area, while blending into the residential neighborhood to the east. The building will be designed with a rural residential theme with barnlike garage doors and dormer windows on its north face. There will be no vehicular entrances on the south, east or west sides of the building. The building will have a pitched roof with metal paneling that will be burnt red brick in color.

The Conceptual Site Plan for the Project is shown on Exhibit “A” attached hereto.

An Aerial Photograph of the area land uses around the Project is attached hereto as Exhibit “B”.

Access to the Project will be from East 27th Street. The Project will not have any access into properties to the east, south or west thereof.

The Conceptual Access and Circulation Plan for the Project are attached hereto as Exhibit “C”.

The Project is located within an “Area of Growth” and is designated in the Land Use Plan Category as “Mixed-Use Corridor”. Thus, the Project is consistent with and complies with the Comprehensive Plan.

The Project is currently zoned OL – Office Light and will need to be rezoned to CG – Commercial General in order to support PUD 841.

The existing zoning for the Project is shown on the City of Tulsa Zoning Map attached hereto as Exhibit “D”.

Water, sanitary sewer, electric, gas, telephone and cable television are either currently available on the site or can be readily extended as needed.

Storm water runoff from the Project will run mostly east and then south into a dry detention facility at the southeast corner of the Project. Storm water from the roof of the building will be collected in gutters and piped underground to the detention facility.

No fee in lieu of detention is necessary for the Project.

The Conceptual Utilities and Drainage Plan for the Project are attached hereto as Exhibit "E".

The Legal Description for the Project is attached hereto as Exhibit "F".

SECTION II: PUD-841 DEVELOPMENT STANDARDS:

NET LAND AREA: 15,000 SF

PERMITTED USES:

Uses permitted Use Unit 23, Warehousing and Wholesaling, limited to Indoor Storage and Maintenance of Collectible Automobiles and no body work or painting of such vehicles will be permitted; and Uses customarily accessory to the Permitted Uses.

Outdoor storage of any kind is prohibited.

MAXIMUM BUILDING FLOOR AREA: 6400 SF

MINIMUM LOT FRONTAGE: 100 FT

MAXIMUM BUILDING HEIGHT: 35 FT*

*Architectural elements such as cupolas and weathervanes may exceed 35 FT with Detail Site Plan approval.

MINIMUM BUILDING SETBACKS:

From the centerline of East 27 th Street	50 FT
From the east boundary	15 FT
From the south boundary	15 FT
From the west boundary	5 FT

TRASH DUMPSTER AND OUTDOOR STORAGE:

Trash dumpsters and related appurtenances shall be stored inside the building.

PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code; unless otherwise modified pursuant to Chapter 11 thereof. Because the Project will not be operated as a commercial enterprise, no loading docks will be provided.

MINIMUM LANDSCAPED AREA:

Thirty percent (30%) of the net area.

SCREENING AND BUFFERING:

A minimum fifteen foot (15 FT) wide landscape buffer and six foot (6 FT) wooden screening fence will be required on the east and south boundaries of the Project. A gated entry with a six foot (6 FT) steel fence will be located approximately twenty-five feet (25 FT) south of the north boundary of the Planned Unit Development.

LIGHTING:

Building mounted lighting shall not exceed ten feet (10 FT) in height and all building mounted lighting on the east side of the building will be operated by motion sensors. The shielding of the building mounted lighting will be designed to architecturally match the rural residential theme of the building.

The all building lighting will be pointed down and away from adjacent property boundary. The light producing element of the fixture shall not exceed 100 watts of an incandescent bulb or its equivalent.

The parking area will be lit with low level bollard lighting not to exceed three feet (3 FT) in height.

All light standards shall be hooded and directed downward and away from the boundary of the Planned Unit Development.

VEHICULAR AND PEDESTRIAN ACCESS AND CIRCULATION:

The Project will have one access point to East 27th Street and sidewalks will be provided along East 27th Street.

MECHANICAL EQUIPMENT AREAS:

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

LANDSCAPING AND SCREENING DETAILS:

Landscaping within the Project, as proposed, will substantially exceed the requirements of the Landscaping and Planned Unit Development Chapters of the Tulsa Zoning Code and where appropriate, will incorporate healthy existing trees and natural vegetation and shall be designed to achieve an attractive streetscape and appropriate buffering from the adjacent residential areas.

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and will establish a minimum fifteen foot (15 FT) wide landscape buffer separating the east and south boundary of the PUD from the adjacent property. (See Exhibit "G" -- Conceptual Landscaping and Screening Plan.)

A six-foot (6 FT) wooden screening fence will be constructed along the east, south and west boundaries of the PUD.

Because of the proximity of the residential use to the east of the Project, landscaping along the east boundary will be between eight feet (8 FT) and ten feet (10 FT) in height at the time of planting and will be planted and maintained as shown on the Conceptual Landscaping and Screening Plan attached hereto as Exhibit "G".

ACCESS AND CIRCULATION

Access to the Project will be from East 27th Street. The Project will not have any direct access into properties to the east, south or west thereof. A copy of the Conceptual Access and Circulation Plan is attached hereto as Exhibit "C".

DETAILED STAFF RECOMMENDATION:

The PUD is consistent with the Tulsa Comprehensive Plan; and

PUD-841 provides development standards that are harmonious with the existing and expected development of the surrounding areas; and

PUD-841 provides a unified treatment of the development possibilities of the project site; and

PUD-841 is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code; therefore

Staff recommends **APPROVAL** of PUD-841 as outlined in Section II above.

SECTION III: SUPPORTING DOCUMENTATION

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The lots facing this street are considered part of a Mixed Use Corridor and a Town Center on the north side of East 27th Street South. Future development along this street is expected to evolve from a residential street to a mix of uses because of the direct connection to Harvard and the Expressway. The development of this site is the beginning of that land use change.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: 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 existing site is a gently sloping vacant site on a street that ties Harvard to the Broken Arrow Expressway. The existing lot contains several existing trees. Some of those trees will be saved during the construction of this project and is adjacent to the back side of a commercial PUD facing Harvard.

Environmental Considerations: None that affect development of this site.

The Project topography is shown on Exhibit "H" -- Conceptual Grading and Topography Plan. The site falls generally from northwest to southeast.

The site topography slopes from approximately 767 FT above mean sea level at the highest point to approximately 762 FT above mean seal level at the southeast corner. The topography is gently sloping and does not provide significant challenges to the impact of the adjacent properties.

Storm water drainage from the roof will be collected and piped underground to the dry detention pond in the southeast corner of the Project. The proposed and existing drainage is shown on Exhibit "C" -- Conceptual Utility and Drainage Plan

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 27 th Street South	None	50 feet	2

Utilities:

Water:

A six inch City of Tulsa water line is located on the north side of the Project.

Sanitary Sewer:

An eight inch City of Tulsa sanitary sewer is located to the south of the Project.

Other Utilities:

Other utilities, including electric, gas, telephone and cable television are currently available at or on the site.

The existing utilities are shown on Exhibit "C" -- Conceptual Utility and Drainage Plan.

Surrounding Properties: The subject tract is abutted on the east by single family residential property, zoned RS-3; on the north by office and single family residential, zoned OL and RS-3; on the south and west by commercial property, zoned PUD-621/OL/PK.

SECTION IV: RELEVANT ZONING HISTORY

ZONING ORDINANCE: Ordinance number 22647 dated March 26, 2012, established zoning for the subject property.

Subject Property:

Z-7194 March 2012: All concurred in approval of a request for rezoning a 14,810± square foot tract of land from RS-3 to OL for office use, on property located east of southeast corner of East 27th Street and South Harvard Avenue and also known as the subject property.

Surrounding Property:

Z-7145 January 2010: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a small office on

property located east of northeast corner of South Harvard Avenue and East 27th Street.

Z-6925 February 2004: All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a beauty shop on property located east of the southeast corner of East 27th Place South and South Harvard Avenue.

BOA-18904 November 14, 2000: The Board of Adjustment approved a Special Exception to permit an auto painting shop within 150 ft. of an R district, on conditions that all painting and related activities be conducted within the building, all permits, licenses and inspections be obtained, and all access from Harvard Ave., on property located north of the northeast corner of S. Harvard Ave. and E. 27th St., also known as 2615 S. Harvard.

PUD-621 November 1999: All concurred in approval of a proposed Planned Unit Development on a 2.5± acre tract of land for office and commercial development on property located on the southeast corner of East 27th Street South and South Harvard Avenue and abutting west of subject property.

TMAPC COMMENTS:

Mr. Fretz asked if car repairs would be allowed to take place in this location. Mr. Wilkerson stated that there could be some inside building maintenance done, but they are specifically prohibited to have any kind of outdoor storage. Mr. Fretz asked if they would be able to lease space for other people to store their cars. Mr. Wilkerson stated that he didn't discuss that and he doesn't think that is the intent.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he is requesting only one use for this subject property. The storage of cars is for the owner's cars. There won't be any body work or painting or anything like that. Mr. Reynolds explained that his client collects Model-T and Model-A vehicles and something always needs fixed. The building will look like a barn and they will put a new fence up and split the cost with Staples.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to recommend **APPROVAL** of the CG zoning for Z-7313 and PUD-841 per staff recommendation.

Legal Description for Z-7313/PUD-841:

Lots 5 and 6, BLK 8, KIRKMOORE ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

20. **PUD-268-D – Wallace Engineering/Jim Beach**, Location: Southwest corner of South Mingo Road and East 93rd Street South, requesting a **PUD Major Amendment** to allow a two story building and significant additional floor area. Additional development standards have been added to mitigate the request, **RM-1/PUD-268-B to RM-1/PUD-268-D**, (CD 7)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

PUD 268-D is an amendment to Development Area B of the previously approved PUD 268-B to increase allowable floor area and building height to permit an addition to the existing building.

The project is located on the west side of South Mingo Road, the south side of East 93rd Street South and just north of U.S. 169. It is the former home of Cancer Care and is near the Hillcrest South Hospital campus, St. Francis South Hospital campus, and several other medical facilities of significant size, either existing or under construction.

The Conceptual Site Plan for the project, an aerial photograph of the site and immediate context, and an artist's rendering of the proposed addition are attached.

Development Area B is comprised of approximately 2.96 acres (128,937.6 square feet) net land area.

The previous major amendment, PUD 268-B established the maximum floor area at 20,000 square feet and maximum building height at one story.

The underlying zoning is RM-1 and allows office floor area in accordance with the OL District bulk and area requirements. The floor area ratio in OL is .10, or up to .40 by special exception from the Board of Adjustment.

The resulting allowable floor area for this 2.96 acre site would be at least 36,684 square feet.

The existing building is approximately 15,600 square feet.

The proposed addition is two stories with approximately 6,000 square feet per floor. The total floor area after the addition will be approximately 27,600 square feet. While the additional story may be approved by minor

amendment, the increased floor area exceeds the 15% maximum for a minor amendment. Advanced Pain Specialist of Tulsa request approval of both items under this major amendment application.

Placement of the addition is on the southeast end of the existing building, away from abutting single- family residences. The site sits considerably lower than the single family residences. A retaining wall will be constructed around the west side of the property to accommodate an additional parking lot. The horizontal separation and vertical elevation difference between the residences and the addition will minimize any impact of the second story.

SECTION II: PUD-268-D DEVELOPMENT STANDARDS

LOT AREA: 2.96 acres (128,937.6 SF) net land area.

PERMITTED USES: Use Unit 11, Offices, Studios and Support Services and customary accessory uses

MAXIMUM BUILDING FLOOR AREA 30,000 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 22%

MAXIMUM BUILDING HEIGHT:
Two Stories (Excluding Mechanical Floor)

OFF-STREET PARKING REQUIRED: (1 space per 300 square feet)

BICYCLE PARKING REQUIRED:
A bike rack or multiple racks capable of securing 8 bicycles shall be placed near the front entrance of the front door.

A ground sign not greater than 4 square feet of display surface area with directions or a map illustrating how to access the trail is required but not counted as part of the ground signage allowed.

MINIMUM BUILDING SETBACKS:

From the centerline of South Mingo Road	100 FT
From East 93 rd Street South	55 FT
From the west boundary of the PUD	75 FT
From the south boundary of the PUD	20 FT

LIGHTING WEST OF BUILDINGS:

Maximum height permitted whether pole mounted or wall mounted: 16 FT

All lighting shall be pointed down and away from the adjacent residential properties.

LANDSCAPING:

Landscaping for the entire PUD 268-D shall conform to the Current Standards of the Tulsa Zoning Code. Landscape plan submittal will include the entire site illustrating existing and proposed landscaping.

In addition to the landscape standards defined in the code additional shade trees shall be installed along the west and southwest boundary of the site to provide a vegetative buffer between the proposed retaining wall, the proposed building and the residential boundary west of the site.

The density of trees in that area shall be calculated as follows:

One(1) two inch(2”) caliper tree or larger must be planted and maintained for each 1200 square feet of area measured between the west boundary and the 75 foot building setback line defined in the PUD.

Minimum Landscape area: 20% of net land area

SITE PLAN REVIEW:

No building permits shall be issued for any building within the Project until a PUD Detail Site Plan and Detail Landscape Plan have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the PUD.

SUBDIVISION PLAT:

A subdivision plat or plat waiver is required after a major amendment to a PUD. A plat waiver may be an acceptable option however significant additional public easements required during the building permit review process could make a new subdivision plat more feasible.

DETAILED STAFF RECOMMENDATION:

The PUD major amendment is consistent with the Tulsa Comprehensive Plan; and

Major amendment PUD 268-D provides development standards that are harmonious with the existing and expected development of the surrounding areas; and

Major amendment PUD 268-D provides a unified treatment of the development possibilities of the project site; and

Major amendment PUD 268-D is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code; therefore

Staff recommends **APPROVAL** of PUD-268-D as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: PUD-268 is consistent with the Regional Center land use designation.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

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

Transportation Vision: None that affect development of this site. Ultimate street right-of-way as designated by the Major Street and Highway plan was previously dedicated by the underlying plat.

Trail System Master Plan Considerations: This site is very close to the Creek Turnpike Trail System however the only route to access that trail is north on South Mingo then east on East 91st Street South to the trail. A complete sidewalk system provides access all the way to the trail. The site should recognize the trail system access.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site slopes from the west to the east. The existing building on the site is approximately 10 feet below the west boundary of the PUD. It is anticipated that the first floor of the new building and new parking area will be constructed near the finished floor of the existing building. As a result, the second story of the new building should be at approximately the same height as the finished floor of the adjacent homes west of the site. The impact of the second story of the new building would be similar to single family residential construction at the same location. The increased impact of the new parking lot and second story is mitigated by the short lighting height, the anticipated retaining wall construction near the west property line and the significant tree requirement along the west property line.

Environmental Considerations: None that will adversely affect development on this site. The site is adjacent to an existing single family residential development on the west side of the property and the elevation of the site on the west side is higher than the existing building, proposed building and future parking construction.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Mingo Road	Secondary Arterial	100 feet	4
East 93 rd Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east across South Mingo by a mixed use office development, zoned CO/PUD 628; on the north by another Medical Building, zoned PUD 268-B; on the south by office uses, zoned OL/PUD-597; and on the west by single family residential zoned RM-1/PUD 268.

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 19026 dated June 19, 1997 (PUD-268-B), and 15296 dated January 26, 1982 (RM-1), established zoning for the subject property.

Subject Property:

PUD-268-B June 1997: All concurred in **approval** of a request for a Major Amendment on a portion of the PUD-268 to allow medical and general office use on that portion of the PUD previously approved for multifamily development, on property located south of the southwest corner of East 91st Street South and South Mingo Road and a part of the subject property.

Z-5618/ PUD-268 October 1981: All concurred in denial of a request to rezone 15± acres from RS-3 to RM-2 and **approval** of RM-1 with a Planned Unit Development for a single-family, duplex and condominium development, on property located in the southwest corner of East 91st Street South and South Mingo Road and a part of the subject property.

Surrounding Property:

PUD-628/Z-6467-SP-4 March 2000: All concurred in approval for a proposed Planned Unit Development and Corridor Site Plan on a 15.8± acre tract of land, for an assisted living, elderly and retirement facility. Office uses were approved on the southern end of the tract that had originally been approved for a golf pro shop and teaching building on property located in the northeast corner of South Mingo Road and the Mingo Valley Expressway. Through a few Major Amendments they added communications tower, veterinarian clinic, and mini-storage to permitted uses.

Z-6538-SP-2 August 1999: All concurred in approval of a Corridor Site (Development) Plan on a 3± acre tract of land for a three-story, 42,500 square foot medical and general office building, on property located south of the southeast corner of South Mingo Road and East 91st Street.

Z-6667/ PUD-597 January 1999: All concurred in approval of a request for rezoning and a Planned Unit Development from AG to OL/PUD for an office park on a 6.1+ acre tract located on the northwest corner of South Mingo Road and Highway 169 per staff recommendation.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74103, stated that the business is the Advance Pain Specialist of Tulsa, which is a medical clinic that provides services to patients on an out-patient basis for pain management. They need additional space for offices only and the new building would be for administrative offices for the medical clinic. The medical clinic will remain in the present building.

Mr. Beach stated that he is in agreement with staff's recommendation.

INTERESTED PARTIES COMMENTS:

Pam Crookham, 9319 South 95th East Place, 74133, stated that she has some real concerns about this. Expressed concerns about privacy, fencing, noise, do not want trees, do not want the employees smoking near her home. Ms. Crookham explained that she has a chain-linked fence and right now she sees green space. She is concerned about the hill being cut down and retaining walls. Ms. Crookham stated that she needs some privacy from the subject property. She expressed concerns that she will no longer be able to enjoy her backyard. Ms. Crookham commented that they haven't been bad neighbors and she knew it existing when she moved in, but she is against a retaining wall with no fence because it is not sufficient.

Mr. Reed explained to Ms. Crookham where the retaining wall will actually be developed and how far it is from her property line. He explained that the retaining wall will not be right at her back door. Ms. Crookham stated that she knows where the property line is and it's not that far. She further stated that she would like some type of sound wall there.

Vicki Jurries, 9339 South 95th East Place, 74133, stated that her question may have already been answered. She explained that several neighbors were concerned that residents were staying overnight for pain treatment, but she now understands that it is office use.

Applicant's Rebuttal:

Mr. Beach stated that the facility is for out-patient only. There will be no hospital beds and no overnight stays. The fence was set in from the property line and was removed in anticipation of the development. The retaining wall will follow the edge of the parking lot and will be considerably in from the rear property line. The retaining wall will be ten to eleven feet tall at some points as the hill gets taller. All of the parking, the

new building will be lower than the houses above it. Mr. Beach stated that this is strictly an office building and a business that will be going on inside of the walls of the building and shouldn't generate any noise. Mr. Beach further stated that parking does generate some noise, but he doesn't know if there will be anyone honking horns and he would wager that there is a considerable amount of noise from the Turnpike just right off of this view.

In response to Mr. Covey, Mr. Beach outlined where the retaining wall would be located. Mr. Beach stated that his applicant maintains the green space behind buildings and parking.

In response to Mr. Fretz, Mr. Beach outlined where the existing parking is located, where the new building and parking will be located.

TMAPC Action; 7 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis none "absent") to recommend **APPROVAL** of the major amendment for PUD-268-D per staff recommendation.

Legal Description for PUD-268-D:

LT 1, BLK 2, 9300 MINGO CENTER, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

12. **PUD-268-D** - Plat Waiver, Location: South of East 93rd Street South, west of South Mingo Road, (CD 7)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to PUD 268 D.

Staff provides the following information from TAC for their August 20, 2015 meeting:

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

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

Staff can recommend **APPROVAL** of the plat waiver,

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to **APPROVE** the plat waiver for PUD-268-D per staff recommendation.

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OTHER BUSINESS

21. Brief TMAPC about Crosbie Heights small area plan/Martha Schultz

Ms. Schultz presented an update on the Crosbie Heights small area plan process. Ms. Schultz stated that she anticipates bringing this small area plan to the TMAPC at the end of this calendar year. Ms. Schultz proved the following link to view all data, maps, meeting materials, and notes posted online:

<https://www.cityoftulsa.org/community-programs/planning/small-area-and-neighborhood-revitalization-planning/crosbie-heights-small-area-plan---in-process.aspx>

TMAPC COMMENTS:

Mr. Shivel stated that he is delighted with the advisory team's participation in all of these small area plans. He believes it has a lot to do with Ms.

Schultz's leadership and the City's leadership. Ms. Schultz thanked Mr. Shivel.

Mr. Midget asked Ms. Schultz to explain how the property owners and residents were notified about this. Ms. Schultz stated that there was media advisory, posting on the website, a tour, and prior to the kick off notices were mailed to every property owner of record. Ms. Schultz further stated that staff went door-to-door in Crosbie Heights and left a flyer in English and Spanish at every residence in the neighborhood, except for ones that had questionable dogs. Ms. Schultz stated that there is always a red flag going up when one receives a letter and so many showed up to see what was being done. Ms. Schultz stated that it works and it is an effort, but it is worth it. Mr. Midget thanked Ms. Schultz.

Mr. Midget stated that Charles Page Boulevard is a very busy street and is dangerous for the residents of Crosbie Heights to access New Block Park. Mr. Midget asked Ms. Schultz if that issue has been raised. Ms. Schultz answered affirmatively. Ms. Schultz explained that Charles Page Boulevard bisects the subject neighborhood and they consider New Block Park their park. It is not technically in the small area plan boundary because there is a park master plan that deals with parks. Ms. Schultz stated that Traffic Engineering attended a meeting and provided sketches of striping possibilities and they are supportive of road diet in that area to slow the traffic down as getting closer to downtown, which would include lane drops, bike lanes and striping patterns for left-turn ins.

Ms. Millikin thanked Ms. Schultz for the update and commended her for the way she has been able to generate interest and increased participation. This is an exciting process to watch and she is looking forward to the draft. Ms. Schultz thanked Ms. Millikin and encouraged the Planning Commissioners to visit the website.

Ms. Schultz stated that Nikita Moye from INCOG staff is on staff for this as well and has participated.

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Ms. Miller stated that at the last meeting the Planning Commission asked why refund request come before the Planning Commission. Ms. Miller explained that she asked Mr. Rich Brierre, Director of INCOG, and he wasn't sure why they went before the Planning Commission. Ms. Miller stated that Mr. Brierre felt, as well as her and Mr. Midget, that regardless of why it started it is pretty good process because it puts it out in the public.

22. **Refund Request for PUD-646-5** – R.L. Keith, PUD Minor Amendment withdrawn by the applicant and request a \$200.00 refund.

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 **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to **APPROVE** the refund of \$200.00 for PUD-646-5.

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23. **Refund Request for Z-5620-SP-13a** – Chad Chastain, CO Minor Amendment withdrawn by the applicant before processing and requesting a refund of \$449.00.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to **APPROVE** the refund of \$449.00 for Z-56260-SP-13a.

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24. **Proposed TMAPC 2016 Meeting Dates**

STAFF RECOMMENDATION:

2016 SCHEDULE

Tulsa Metropolitan Area Planning Commission (TMAPC)

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:30 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

**Work sessions of the TMAPC are held, as necessary, either prior to or following regular TMAPC business in the One Technology Center, 175 E. 2nd Street, in a room location to be announced at the time the agenda is posted.

JANUARY	FEBRUARY	MARCH
6 th	3 rd	2 nd
20 th	17 th	16 th
APRIL	MAY	JUNE
6 th	4 th	1 st
20 th	18 th	15 th
JULY	AUGUST	SEPTEMBER
6 th	3 rd	7 th
20 th	17 th	21 st
OCTOBER	NOVEMBER	DECEMBER
5 th	2 nd	7 th
19 th	16 th	21 st

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to **APPROVE** the TMAPC 2016 Meeting Dates.

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25. Commissioners' Comments:

Mr. Covey stated that during the work session earlier today Mr. Dix brought up the possibility of having a work session with the Citizen's Advisory Team (CAT) for the new Zoning Code and he would like to get comments or feedback from the Planning Commissions whether they are interested in this.

Mr. Midget stated that he is generally interested in a work session, but he thinks the Planning Commission need to afford ourselves with an opportunity for a work session and discuss it. Mr. Midget further stated that the Planning Commission can invite people to speak in the work sessions that we want to if we have a question. Mr. Midget commented that he is not in favor of special work session just for the advisory team. Mr. Midget explained that when the team got a document out for the general public to comment, it wasn't a perfect document but it was a document people could comment on. The public did comment on the document and the consultant came back and shared those comments with the advisory team and asked some questions. The consultant went back and compiled all the information and put it in a document that is now the working document for everyone generally. The TMAPC has taken that document and gone through it again and done another wash and then make an informed decision based on that and make a recommendation to the City Council who can accept, reject or amend. Mr. Midget commented that he doesn't see the value of again of having a work session with the CAT.

Mr. Reeds stated that he agrees with Mr. Midget. Mr. Reeds further stated that he doesn't want to be in front of the public and they are asking questions that the Planning Commission should already know. Another session is needed to have a knowledge base session of knowing where we stand.

Mr. Dix stated that he is not married to the idea of work session with the CAT, but he does believe that there are individuals that have a degree of ability to cipher what something means that he would like to hear from. Mr. Dix further stated that this could be done in the public hearings if need be.

Ms. Miller stated that staff is the people who can cipher the meaning and have spent hours and hours. Mr. Dix stated that he is aware staff has worked on this, but there are other people he would like to hear from. Ms. Miller stated that there are other people too, but staff has spent the bulk of time on it. Mr. Dix stated that he appreciates that, but there are people that he might want to hear from. Mr. Midget stated that he too would like to hear from others as well. Mr. Dix stated that he appreciates the fact that staff members are professional planners and educated that way, but there are people that have actually used these types of documents, plans and

regulations out in the real world and have a good knowledge in different parts of the country of how they can be abused as well as applied. Mr. Dix further stated that he believes the Planning Commission's goal should make sure that this is not a document that can be abused. Mr. Dix commented that he understands that there will be flaws in the new Zoning Code and he doesn't want anyone to be able to take this document and abuse it for their own purposes and that is what he is trying to solve. Mr. Dix stated that he thinks that there are changes that have been made and he thinks Kirk understands the issue and he trusts his judgment with the issues. Mr. Dix expressed concerns of creating an environment where development would leave in droves, which happened in St. Louis. Mr. Dix continued that we can't allow one person or group of persons to have that kind of thinking and the ability to abuse it. Mr. Dix stated that his particular problem is the overlay and he needs to see that and others see that and tell me it will be okay. This issue seems to be one of the Councilors things that he wants in there and he doesn't understand why and why is it so important.

Mr. Midget stated that he doesn't mean to argue the issue, but he thinks generally there was a consensus about the overlays, but there wasn't a strong consensus where it doesn't apply to downtown. It wasn't decided not to apply it to downtown because of its unique character. Mr. Midget stated that certain questions could be written down that need to be clearer. Mr. Dix stated that there are issues he wants to find answers for and that is why he suggested the work session with CAT. During a public hearing they are limited to time and the Chairman stated that the work session could remedy that, by calling them up to answer questions. Mr. Dix stated that he would be okay doing this during a public hearing, but he was just trying to prevent a cat fight. Mr. Midget stated that the Planning Commission will be in charge of making the decisions. Mr. Midget stated that this discussion is healthy and it needs to come out and that way when the decision is made all of the issues or most of the issues will have been addressed and discussed.

Discussion ensued regarding a work session and inviting the CAT.

Mr. Dix and Mr. Covey requested a red line version of the document with all of the changes since it went to the public for public comments. Mr. Covey stated that he would get with Ms. Miller later regarding the work session.

Ms. Miller stated that possible have a work session with Mr. Bishop via Skype.

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TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Walker, Willis "absent") to **ADJOURN** TMAPC meeting 2705.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:10 p.m.

Date Approved:

10-07-2015


Chairman

ATTEST:

Joshua G. Wade ACTING
Secretary