

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2709

Wednesday, November 4, 2015, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 29, 2015 at 1:51 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Chairman's Report:**

Mr. Covey reported that he has appointed Dwayne Wilkerson to the TIF Committee for the Tulsa International Airport.

#### **Director's Report:**

Ms. Miller reported on the City Council and Board of County Commissioner's agendas for upcoming items and their actions on past items.

Ms. Miller reported on the Zoning Code update and proposed changes from the City Council. Ms. Miller stated that January 1, 2016 is the anticipated effective date for the new Zoning Code.

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1. **Minutes:**

**Approval of the minutes of October 7, 2015 Meeting No. 2707**

On **MOTION** of **DIX**, the TMAPC voted 9-0-1 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker “aye”; no “nays”; Stirling “abstaining”; Willis “absent”) to **APPROVE** the minutes of the meeting of October 7, 2015, Meeting No. 2707.

\* \* \* \* \*

Mr. Walker out at 1:40 p.m.

Mr. Covey announced that Item 2 of the consent agenda has been withdrawn.

**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-20805** (Lot-Split) (CD 9) – Location: Southwest corner of East 39<sup>th</sup> Street South and South Evanston Avenue (continued from 10/21/2015-request continuance to 11/18/15) (**Withdrawn by the applicant**)
3. **LC-695** (Lot-Combination) (CD 4) – Location: Southeast corner of East 4<sup>th</sup> Street South and South Main Street
4. **LS-20823** (Lot-Split) (CD 9) – Location: North of the northeast corner of East 55<sup>th</sup> Street South and South Peoria Avenue
5. **LC-717** (Lot-Combination) (CD 9) – Location: North of the northwest corner of East 34<sup>th</sup> Street South and South Zunis Place
6. **LC-718** (Lot-Combination) (CD 2) – Location: West and North of the northwest corner of West 23<sup>rd</sup> Street South and Southwest Boulevard
7. **LC-719** (Lot-Combination) (CD 1) – Location: Southwest corner of West 10<sup>th</sup> Street South and South 63<sup>rd</sup> West Avenue
8. **LC-720** (Lot-Combination) (CD 9) – Location: West of the southwest corner of East 36<sup>th</sup> Place and South Utica Avenue
9. **PUD-216-7 – Kleinco Construction**, Location: South of the southwest corner of East 97<sup>th</sup> Place South and South Urbana Avenue, requesting a **PUD Minor Amendment** to reduce side yard setback from 10 feet to 4 feet and six inches, **RS-1/PUD-216**, (CD 8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD to reduce the side yard setback from 10 ft to 4 ft 6 in.

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-216 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to reduce the side yard setback from 10 ft to 4 ft 6 in.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling “aye”; no “nays”; none “abstaining”; Walker, Willis “absent”) to **APPROVE** Items 3 through 9 per staff recommendation.

\* \* \* \* \*

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

**COMPREHENSIVE PLAN PUBLIC HEARINGS:**

10. **CPA-39 - AAB Engineering, LLC/Alan Betchan**, Comprehensive Plan Amendment request to amend Land Use Map change from “New Neighborhood” to “Neighborhood Center” on approximately .27 acres located north of the northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard, (CD 1) (Related to Z-7321/PUD-842)

**Withdrawn by applicant.**

\* \* \* \* \*

Mr. Walker in at 1:42 p.m.

**PUBLIC HEARINGS:**

Mr. Covey announced that Items 10 and 13 have been withdrawn. Items 11 and 12 have requested a continuance to December 2, 2015 and Item 14 has requested a continuance to November 18, 2015.

11. **Z-7321 – AAB Engineering, LLC/Alan Betchan**, Location: Northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard, requesting zoning from **RS-4 to CS**, (CD 1) (Related to CPA-39/PUD-842)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none “abstaining”; Willis "absent") to **CONTINUE** Z-7321 to December 2, 2015.

12. **PUD-842 - AAB Engineering, LLC/Alan Betchan**, Location: Northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard, requesting a **PUD** for all uses allowed in CS zoned districts except Adult Entertainment – Use Unit 12.a, **RS-4 to CS/PUD**, (CD 1) (Related to CPA-39/Z-7321)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none “abstaining”; Willis "absent") to **CONTINUE** PUD-842 to December 2, 2015.

**13. LS-20820** (Lot-Split) (CD 9) – Location: South of the southwest corner of East 38<sup>th</sup> Street South and South Atlanta Place (Related to: LC-714 & LC-715) **(Withdrawn by applicant)**

**Withdrawn by applicant.**

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**14. Cadent Park –** Minor Subdivision Plat, Location: West of the northwest corner of East 91<sup>st</sup> Street South and South Yale Avenue, (CD 8) (Continued from October 7, 2015 and October 21, 2015 meetings) **(Staff requests a continuance to the November 18, 2015 meeting.)**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the minor subdivision plat for Cadent Park to November 18, 2015.

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**15. QuikTrip No. 0031 –** Preliminary Plat, Location: Southwest corner of South Sheridan Road and East 51<sup>st</sup> Street South, (CD 9)

**STAFF RECOMMENDATION:**

The plat consists of 1 Lots, 1 Block, on 1.71 acres.

The following issues were discussed October 15, 2015, at the Technical Advisory Committee (TAC) meeting:

- 1. Zoning:** The property is zoned
- 2. Streets:** Corner clip at intersection must be 42.42' or radius of 30 feet not 28 feet. For existing 50 foot ROW on 51<sup>st</sup> Street show leader line to south extent of ROW. As discussed previously with Carly Goodnight with QuikTrip Corporation, the 8-foot ROW dedication can be accommodated with some design changes and /or license agreements with the City of Tulsa. Covenants Limits of No Access Section must use standard language. Remove reference to Yale and Admiral. Conceptual plan does not show property lines after plat. Show the new property line. New property line may put the sign along 51<sup>st</sup> and some paving area at intersection in ROW. A

license agreement will be needed for those.

3. **Sewer:** No comment.
4. **Water:** An existing 12-inch waterline runs along East 51<sup>st</sup> Street South inside the right of way, 42 feet south of centerline. An existing 8-inch waterline runs along South Sheridan Road inside the right of way. There is a 42-foot line west of centerline and inside a 15-foot utility easement for 75 feet from East 51<sup>st</sup> Place South.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:**
7. **Other: Fire:** No comment.
8. **Other: GIS:** In the location map spell out unplatted for all the unplatted properties. Use leader lines if necessary to point to property. Submit control data sheet. Create legend for found or set property pins. Clarify markings for maps. On the face of the plat along East 51<sup>st</sup> Street South label the width that is being dedicated for required right of way eight-foot west of jog and five feet for east of jog. Also bold/darken/widen lot line so it is not confused with the previous lot line prior to the right of way dedication. On the conceptual improvement plan, the boundary line does not indicate the right of way dedication. Revise the conceptual improvement plan to illustrate the accurate property/boundary line. On the conceptual improvement plan, both proposed vertical monument signs and the dumpster enclosure encroach within utility easements and the monument sign on the north side, along East 51<sup>st</sup> Street South also encroach within utility easements and the monument sign on the north side on East 51<sup>st</sup> Street South also encroaches with the right of way. Both vertical monument signs and the dumpster enclosure must be relocated or a construction agreement must be obtained between the property owner and the City prior to the issuing of a commercial building permit. Please contact Utilities Coordinator Chris Jovac for information on applying for a construction agreement (918-596-9649).

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his satisfaction.

**Standard Conditions:**

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

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



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

In response to Mr. Dix, Ms. Fernandez stated that she doesn't know if they had to be platted, but this is the right thing to do and so the applicant applied for platting.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Willis "absent") to **APPROVE** the preliminary plat for QuikTrip No. 0031 per staff recommendation.

\* \* \* \* \*

16. **PUD-221-H –Michael Joyce**, Location: Southeast corner of South 129<sup>th</sup> East Avenue and East 43<sup>rd</sup> Place South, requesting a **PUD Major Amendment** to allow an assisted living center, **RS-3/PUD-221-D to RS-3/PUD-221-H**, (CD 6) (Continued from 9/2/15, 10/7/15 and 10/21/15)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT**

The Applicant is seeking a major amendment to PUD 221-D Quail ridge, Development Area B (Balance of Lot 11, Block 9) hereinafter the "Senior Living Site, but excluding Development Area A (Day Care Lot) of Lot 11, block 9. Approval of this application is sought in order to allow for the construction of a new assisted living and memory care center with a maximum height of 3 stories and a maximum of 117 dwelling units.

The PUD major amendment will add Use Unit 8: Multifamily dwelling and similar use for assisted living and life care retirement center. The PUD if approved will allow an increase in the maximum land coverage for the building upon on the site not to exceed 42,000 square feet on the ground level allowing for a building three stories in height but not to exceed fifty five feet at its highest point. The total floor area of the building will not exceed 105,000 square feet.

In order to buffer the adjoining ~~day care~~ and single-family residential properties from the proposed facilities, the applicant will heavily landscape the south and east boundaries that exceeds the current landscape requirements of the Tulsa Zoning Code.

The property is currently part of a subdivision plat. The Tulsa Zoning Code requires a new plat or plat waiver for a new PUD or a major amendment to an existing PUD. In this instance the applicant has requested a plat waiver.

Section 1104.1 of the Tulsa Zoning Code provides a method of calculation that provides a maximum dwelling unit count for residential density. The original PUD is a large overlay with CS, RM-1 and RD zoning districts. The original PUD 221 density was based on RM-1 and RM-2 multifamily density standards. The dwelling unit capacity of the original PUD was limited to 830 and later amended to increase the maximum dwelling unit count to 1152.

400 dwelling units were constructed in 1981 in the PUD area. Also a large open space has been provided in the PUD for the community to share. Ample open space can be found to supplement the livability space requirements for this new site in a large open space containing greater than 12 acres of land set aside for drainage and a pedestrian path. The green space is less than 300 feet from the north side of this project.

The single family residential plats that have been developed in the PUD all meet the minimum Bulk and Area Requirements outlined in the Tulsa Zoning Code for RS-3 zoning.

The land area and livability space calculations for the multi-family component of the total land area of PUD 221 are summarized below:

Multifamily Livability Space Summary (requires 600 square feet per dwelling unit)

Existing multifamily Overlook Apartments:	400 DU, 5.59 AC required*
Proposed multifamily for PUD 221-H:	117 DU, 1.62 AC required*

\*For the purposes of this calculation we have not included common open space that may be provided within the Overlook Apartments or the proposed multifamily project in PUD 221-H. 7.2 acres of livability space is required for multifamily in all of PUD 221

Development Area L provides 9.27 acres of common open space.

Land Area Summary (requires 1700 square feet per dwelling unit)  
Existing multifamily Overlook Apartments: 400 DU, 14.88 AC  
Proposed multifamily for PUD 221-H: 117 DU, 3.15 AC  
Existing Common Open space in development area L: 9.27 acres

Total Land Area provided for multifamily residential: 27.30 acres  
Total Land Area required for multifamily residential: 20.18 acres

During public meeting discussions, the Applicant committed to providing a private agreement between the Quail Ridge homeowners association and the owner/developer of the land contained in PUD-221-H. Among other items, the agreement will include details for installation and maintenance of emergency access which will include pavement standards, landscape, screening standards and gate details. The emergency access and associated agreement will be limited to Lot 5, Block 9, Quail Ridge.

An additional private agreement will also allow landscape improvements for tree installation at the north end of the masonry screening wall on the east side of the PUD. The masonry wall will end approximately 55 feet north of the southwest corner of Lot 9, Block 9, Quail Ridge. The owner/developer has agreed to install a tree or shrub at the end of that wall.

## **SECTION II PUD-221-H DEVELOPMENT STANDARDS:**

### PERMITTED USES:

Those uses permitted by right within Section 1208, Use Unit 8 of the Zoning Code of the City of Tulsa, Title 42 (the "Code"), including customary accessory uses, but specifically excluding "Apartment", "Community Group Home", "Convent, Monastery, Novitiate", "Fraternity or Sorority House", "Multifamily Dwelling", and "Rooming/Boarding House" as specified in Use Unit 8, with the primary intended uses being "Assisted Living Facility", "Elderly/Retirement Housing", and/or "Life Care Retirement Center" as specified in Use Unit 8 of the Code.

### TOTAL PROJECT LAND AREA:

Gross Land Area: 137,047 square feet (3.15 acres)  
Net land area: 113,013 square feet (2.59 acres)

### Maximum Dwelling Unit:

Maximum dwelling units allowed 117

MAXIMUM PERMITTED BUILDING FLOOR AREA WITHIN THE PROJECT: 105,000 SF (TOTAL)

MAXIMUM LOT COVERAGE RATIO FOR GROUND FLOOR OF PROJECT BUILDING: 45% of gross land area

BUILDING SETBACKS FROM:

Centerline of South 129 <sup>th</sup> East Avenue	70 FT
Centerline of East 43 <sup>rd</sup> Place South	60 FT
South Boundary of the PUD	50 FT
East Boundary South of the Southeast Corner of Day Care lot*	50 FT
East Boundary North of the Southwest Corner of Day Care lot*	20 FT
North Boundary East of the Southwest Corner of Day Care lot*	12 FT

\*The day care lot is lot 11 block 9 Quail Ridge

MAXIMUM BUILDING HEIGHT:

Three (3) stories (not to exceed 55') for the portion of the Building located on that portion of the Project being located to the *North* of an East/West line running parallel to East 43<sup>rd</sup> Place South and being located 225' to the South of the C/L of East 43<sup>rd</sup> Place South (the "Project Division Line"); and two (2) stories (not to exceed 40') for that portion of the Building located on that portion of the Project being located to the *South* of the Project Division Line.

SIGNS:

Signs accessory to the allowed uses shall be permitted and shall comply with the restrictions applicable to permitted uses within Use Unit 8 of the Code. All signs shall be in compliance with TMAPC approved Detail Sign Plans for the Project (to be submitted at a later date).

MINIMUM OFF-STREET PARKING:

Off street parking shall be based on a ratio per dwelling unit. Onsite parking shall provide a minimum of 0.45 parking spaces per dwelling unit.

PROJECT STREET ACCESS POINTS:

There shall be no more than two (2) vehicular access points (driveway/curb cuts) onto the Project site from and along South 129<sup>th</sup> East Avenue. There shall be no more than one (1) vehicular access point (driveway/curb cut) onto the Project site from and along East 43<sup>rd</sup> Place South. All street vehicular access points (driveway/curb cuts) shall be in compliance with applicable Limits of No Access and in accordance with TMAPC approved Detail Site Plans.

CROSS ACCESS EASEMENT:

The fire code requires access from the south east corner of the site.

A perpetual easement from the owner of Lot 5, Block 9 Quail Ridge Addition will be granted to satisfy that requirement. The access will not be a public access and will require a locked gate with emergency access only for Fire, ambulance, and police and secured with a Knox Box system. Temporary construction access to the building site will be prohibited.

The gate is required at the south boundary of the PUD unless provided off site similar to the site plan exhibit provided.

#### SCREENING REQUIREMENTS:

A masonry screening wall (stucco, concrete, concrete block, brick, stone or combination thereof) of not less than 6' in height shall be constructed and maintained along the South and East boundaries of the Project where the PUD abuts existing single family residentially zoned properties (excepting point of access to the Lot 5 cross access easement which shall be a metal gate of same height).

Lot Lines adjacent to the Day Care Site are exempt from any screening requirement.

#### LANDSCAPE STANDARDS:

A landscaped edge with a minimum width of ten (10) feet shall be installed and maintained along the South 129<sup>th</sup> East Avenue and East 43<sup>rd</sup> Place South street frontages (excepting points of access) this in addition to the South Project boundary (excepting point of access to the Lot 5 cross access easement), the East Project boundary running South from the Southeast Corner of the Day Care Lot and the North Project boundary abutting the South boundary of the Day Care Lot.

In addition to the required landscaping as defined in the Tulsa Zoning Code a minimum 10-foot wide green space adjacent to the street right-of-way for South 129<sup>th</sup> East Avenue and East 43<sup>rd</sup> Place South will be provided. Within the 10-foot green space, shrubs with sufficient density and height will be installed and maintained to provide a 3' tall effective visual screen from South 129<sup>th</sup> East Avenue and East 43<sup>rd</sup> Place South within a three year growing cycle. A berm with a minimum height of 3 feet may be used in lieu of shrubs however the berm may not be used for more than 30% of the street frontage length.

Adjacent to the east 200 feet of the north, and the south and east edge of the PUD trees must be planted and maintained with a maximum spacing of 25 feet and within 15 feet of the edge of the

PUD. Trees must be a minimum 2.5 caliper height with a minimum height of 12 feet when planted.

Along the south and east boundary of the PUD where the PUD abuts single family residential zoning a continuous green edge will be placed north and west of the screening wall. The green edge will be Nellie Stevens Holly “or approved equal evergreen” with an expected mature height of 20 feet. Minimum size at planting shall be a 5 gallon container grown plant. Plant spacing shall not exceed 15 feet except where the emergency access exits the south boundary of the site.

**PARKING LOT AND EXTERIOR BUILDING LIGHTING:**

Exterior lighting shall be in conformance with the applicable provisions of the Code for Use Unit 8 except that light poles shall not exceed 20’ in height and the parking lot lighting shall be directed downward and shielding of such lighting shall be designed so as to prevent the light-producing element of the light fixtures from being visible to a person standing in the abutting property or street right of way.

**TRASH ENCLOSURES:**

All trash enclosures, mechanical and equipment areas shall be screened from public view and shall be constructed and maintained in accordance with TMAPC approved Detail Site Plans (to be submitted at a future date). The trash enclosure shall be masonry construction with a minimum height of 6 feet or taller as required to screen the dumpster from view at ground level and gated. Location of the trash enclosure will be limited to the general location illustrated on the conceptual site plan and will face west or southwest away from the single family residential homes north of East 43<sup>rd</sup> Street South.

**PERMITS:**

No Zoning Clearance Permit shall be issued for development with the Project site until a Detail Site Plan for the Project, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD 221-H Development Standards.

**DETAILED STAFF RECOMMENDATION:**

The development standards and proposed assisted care center are consistent with the Existing Neighborhood infill land use visions contemplated in the Tulsa Comprehensive Plan and,

PUD 221-H and its development standards are consistent with the expected development pattern in the area and,

The use and development standards identified in the PUD are compatible with the existing development pattern and,

PUD 221-H is consistent with the PUD chapter of the Tulsa Zoning Code and the original PUD that was approved in 1979 and subsequently amended therefore,

Staff recommends **APPROVAL** of PUD-221-H as outlined in Section II above.

### **SECTION III: Supporting Documentation**

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The proposed use and the development standards are consistent with the Tulsa Comprehensive Plan. This infill project provides clear and objective setback, height and design standards that will help integrate this site into the edge of this existing neighborhood. This infill project will provide a more efficient use of existing street and utility infrastructure.*

#### Land Use Vision:

*Land Use Plan map designation: Existing Neighborhood*

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

*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:* East 129<sup>th</sup> is a Secondary Arterial and has been fully developed. Some modification to the existing street striping may be required during the engineering design process for this project.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* This site is vacant grass covered site that has never been developed. The site slopes from a high point on the east side of the site down toward the southwest corner of the site. Approximately 9 feet of elevation change will be integrated into the site plan. The conceptual grading plan illustrates a building finished floor elevation that is compatible with the adjacent residential neighborhood on the south side of the site. The north east edge of the site adjacent to the existing day care will require a retaining wall or part of the building may be partially buried into the edge of the slope.

Environmental Considerations: None that would affect site development



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 129 <sup>th</sup> East Avenue	Secondary Arterial	100 feet	5
East 43 <sup>rd</sup> Place 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 by single family residential and a day care, zoned RS-3, PUD 221-D and 221-E; on the north by single family residential and day care, zoned RS-3, PUD 221-D and 221-E; on the south by single family residential uses, zoned RS-3 and PUD 221-D; and on the west by a large corporate structure, zoned Scientific Research (SR).

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17317 dated May 15, 1990 (PUD-221-D) and 13313 dated November 14, 1974 (Z-4712), established zoning for the subject property.

***Subject Property:***

**PUD-221-D May 1990:** All concurred in **approval** of a request for a *Major Amendment to PUD*, on a 180' x 200' tract, to allow a day care center in Development Area A, and office use in Development Area B, located on the southeast corner of East 43<sup>rd</sup> Place South and South 129<sup>th</sup> East Avenue and also known as the subject property.

**PUD-221-C October 1985:** All concurred in **denial** for a request for a *Major Amendment to PUD* to develop a 3.2± acre tract, for office and commercial uses, on property located on the southeast corner of East 43<sup>rd</sup> Place South and South 129<sup>th</sup> East Avenue and also known as the subject property.

**PUD-221-A December 1981:** All concurred in **approval** of a *Major Amendment to PUD* convert the commercial portion of the CS floor area to multifamily purposes on a tract located on the southeast corner of East 41<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and also known as the subject property.

**PUD-221 October 1979:** All concurred in **approval** of a proposed *Planned Unit Development*, on a 160± acre tract of land, to develop for commercial, office, multifamily, single-family and industrial uses, in multiple Development Areas, subject to conditions, located at the

southeast corner of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue and including the subject tract.

**Z-4712 November 1974:** All concurred in **approval** of a request for *rezoning* a 160± acre tract of land from AG to 10 acres to CS; 15 acres to RM-1, 13 acres to RD and RS-3 on the remainder, on property located on the southeast corner of E. 41<sup>st</sup> St. and S. 129<sup>th</sup> E. Ave. and also known as a part of the subject property.

**Surrounding Property:**

**BOA-21259 May 24, 2011:** The Board of Adjustment **approved** a *Special Exception* to permit a college use (Use Unit 5) in an SR district; per plan on page 9.5, on property located at 4500 S. 129<sup>th</sup> E. Ave. and abutting across S. 129<sup>th</sup> E. Ave. to the west.

**PUD-221-F May 1999:** All concurred in **approval** of a proposed *Major Amendment to PUD* on a 38± acre tract of land, to add church, school and accessory uses; to amend development standards and to reallocate floor area in development areas, on property located south and east of the southeast corner of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue.

Mr. Wilkerson stated that he submitted a revised staff recommendation memorializing the private agreements that the applicant and interested parties have agreed to.

**TMAPC COMMENTS:**

Mr. Dix questioned why staff would memorialize private agreements in the staff recommendation since the TMAPC cannot enforce those agreements. Mr. Wilkerson stated that it can't be enforced. Mr. Wilkerson further stated that the neighbors did a good job of communicating what their issues were with the project and he included it in the staff recommendation out of respect for their collaboration.

Mr. Reeds asked if the proposed assisted living facility will interact with the children's daycare that is adjacent. Mr. Wilkerson stated that the north and east leg of the property will not have a screening fence to allow that interaction.

**Applicant's Comments:**

**Mike Joyce**, 3521 Columbia Place, 74105, representing the developer, stated that the staff did a fantastic job in facilitating discussion between the developer and the neighborhood. Mr. Joyce stated that he fully supports staff's recommendation. Mr. Joyce thanked the neighbors, City Councilor Dodson, and staff for the meetings for this project.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment for PUD-221-H per staff's recommendation.

**Legal Description for PUD-221-H:**

LT 11, LESS N180 E200 THEREOF, BLK 9, QUAIL RIDGE, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

17. **PUD 221 H – Plat Waiver**, Location: Southeast corner of South 129<sup>th</sup> East Avenue and 43<sup>rd</sup> Place South, (CD 6) (Continued from 9/2/15, 10/7/15 and 10/21/15)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a major amendment to PUD 221 H.

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

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

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

**SEWER:** No comment.

**WATER:** No comment.

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

**FIRE:** No comment.

**UTILITIES:** No comment.

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

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

	<b>Yes</b>	<b>NO</b>
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:**

	<b>YES</b>	<b>NO</b>
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?	X	
9. Is the property in a P.U.D.?	X	
a) If yes, was plat recorded for the original P.U.D.	X	

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

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

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Willis "absent") to **APPROVE** the plat waiver for PUD-221-H per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS**

**18. Commissioners' Comments:** None.

\* \* \* \* \*

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Willis "absent") to **ADJOURN** TMAPC meeting 2709.


**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 1:56 p.m.

Date Approved:

11-18-2015

  
Chairman

ATTEST:   
Secretary