

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2717

Wednesday, March 2, 2016, 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		Hoyt	VanValkenburgh, Legal
Covey		Huntsinger	Southern, COT
Dix		Miller	
Fretz		Moye	
Midget		White	
Millikin		Wilkerson	
Reeds			
Shivel			
Stirling			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 25, 2016 at 2:25 a.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 City Council agenda and the River Design Overlay proposed dates for public meetings.

\*\*\*\*\*

1. **Minutes:**

**Approval of the minutes of February 17, 2016, Meeting No. 2716**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Midget, Stirling “absent”) to **APPROVE** the minutes of the meeting of February 17, 2016, Meeting No. 2716.

\* \* \* \* \*

**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-20856** (Lot-Split) (County) - Location: Southwest corner of East 161<sup>st</sup> Street South and South Peoria Avenue
3. **LC-754** (Lot-Combination) (County) – Location: West of the southwest corner of East 161<sup>st</sup> Street South and South Harvard Avenue
4. **LS-20859** (Lot-Split) (CD 4) – Location: North of the northeast corner of East 28<sup>th</sup> Street South and South Columbia Place (related to: LC-755)
5. **LC-755** (Lot-Combination) (CD 4) – Location: Northeast corner of East 28<sup>th</sup> Street South and South Columbia Place (related to: LS-20859)
6. **LS-20860** (Lot-Split) (CD 8) – Location: West of the southwest corner of East 111<sup>th</sup> Street South and South Yale Avenue
7. **PUD-196-A-2 – Eller & Detrich/Andrew Shank**, Location: Northwest corner of East 73<sup>rd</sup> Street South and South Memorial Drive, request for a **PUD Minor Amendment** to modify development standards to accommodate a car wash, **CS/PUD-196-A**, (CD 8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD Development Standards to accommodate a proposed “Triple Play” car wash.

The applicant is proposing to modify lighting, screening, mechanical equipment and building material standards as listed on the applicant’s Exhibit “B”. The applicant is also proposing to allow the accessory vacuum structures to be located along the eastern edge of the property nearer than the building setback line.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c (9) 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 PUD development plan, the approved 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-196-A and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to modify the development standards to allow the proposed car wash facility.

**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, Millikin, Reeds, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Midget, Stirling “absent”) to **APPROVE** Items 2 through 7 per staff recommendation.

\* \* \* \* \*

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Covey stated that he will take the continuance request first:

**15.Z-7326 – Nathan Cross**, Location: North and west of northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue, requesting for rezoning from **CS to CG**, (CD 6) (**Applicant has requested a continuance to April 20, 2016**)

**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, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget, Stirling "absent") to **CONTINUE** Z-7326 to April 20, 2016.

\* \* \* \* \*

- 16. PUD-844 - Nathan Cross**, Location: North and west of northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue, requesting for **PUD**, (CD 6) (**Applicant has requested a continuance to April 20, 2016**)

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, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget, Stirling "absent") to **CONTINUE** PUD-844 to April 20, 2016.

\* \* \* \* \*

Mr. Midget in at 1:37 p.m.

Mr. Stirling in at 1:39 p.m.

**COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARINGS:**

8. **CPA-42 – Jim Shofner, Amending the Comprehensive Plan Land Use Designation from “Existing Neighborhood” to “Mixed-Use Corridor” and amend Stability and Growth Designation from an “Area of Stability”: to an “Area of Growth” on approximately .173 acres located on the northwest corner of East 31<sup>st</sup> Street and South Sandusky Avenue, (CD 9) (Resolution 2717:948) (Related to Z-7329, LS-20854, LC-752)**

**STAFF RECOMMENDATION:**

**I. PROPERTY INFORMATION AND LAND USE REQUEST**

<b>Existing Land Use:</b> <i>Existing Neighborhood</i>
<b>Existing Stability and Growth designation:</b> <i>Area of Stability</i>
<b>Proposed Land Use:</b> <i>Mixed-Use Corridor</i>
<b>Proposed Stability and Growth designation:</b> <i>Area of Growth</i>
<b>Location:</b> NW of the NW/c corner of E. 31st St. and S. Sandusky Ave
<b>Size:</b> .173 acre

## A. Background

The site that is subject to this Comprehensive Plan amendment application is located in midtown Tulsa, within an existing residential neighborhood south of the Broken Arrow Expressway and north of E 31<sup>st</sup> St S. The surrounding area contains single family residential on the north, east and west; residential, office and commercial retail abut the subject lot on the south and southeast. In a written statement provided with the application, the applicant has stated that the existing parking area on the subject site currently supports the office building to south.

The subject lot (existing parking area) is currently located in the rear yard of on an RS-3 zoned residential lot; an existing residence abuts the subject lot on the north. The existing off-street parking area is not a permitted use in the RS-3 zoning district and is in violation of the current City of Tulsa Zoning Code; the subject lot is also located within the City of Tulsa Regulatory Floodplain. The applicant has stated the existing off-street parking area was constructed in 2013. The parking area was built without obtaining the necessary permits and approval from the City of Tulsa.

On January 1, 2016 the applicant submitted a rezoning application (Z-7239) from RS-3 to OL on the .173 acre site to support the requested comprehensive plan amendment. The applicant has also submitted a lot split application on the .173 acre site to support the requested comprehensive plan amendment and rezoning application.

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

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

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

An *Existing Neighborhood* 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:

“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.”

### **C. Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)**

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

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

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

“A *Mixed-Use Corridor* is a plan category used in areas surrounding Tulsa’s modern thoroughfares that pair high capacity transportation

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

**D. Zoning and Surrounding Uses:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single-family residential
South	OL and OM	<i>Mixed-Use Corridor</i>	Area of Growth	Office and commercial/retail
East	RS-3 and OM	<i>Existing Neighborhood and Mixed-Use Corridor</i>	Area of Stability and Area of Growth	Single-family residential and commercial/retail
West	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single-family residential and vacant land

**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:

*“The lot lines as they exist presently create a hardship on the owner of the property and tenant of the property. The large ill regular shape of the lot has no practical use. You cannot build or develop any part of it. Since the property abuts both commercial, light office and residential properties the net effect of reshaping the lot making it more usable as a residential lot by making them more usable and in line with the approved buildings intended use as recently approved by the City building department. As the owner of both properties, I see this as a reconfiguring of the lot line between lot 40 and 34, 33 to improve the quality of use of all the lots. The additional parking requirements are essential to the proper use of the existing building as modified by the approved plans with the City.”*

#### **F. Staff Summary:**

The .173 acre subject site and the area to the north, northeast and west were designated as *Existing Neighborhood* when the Comprehensive Plan was adopted in 2010. The subject site is abutted by *Mixed-Use Corridor* land use designations on the south and southeast. Since 2010 there have been no noted changes in zoning and land use designations in the area surrounding the subject site.

The City of Tulsa Planning/Development Department has expressed concern over the fact that the applicant is seeking extension of a business related use into an established residential neighborhood. The City has stated that the proposed land use designation “disrupts” an established and appropriate pattern of development inconsistent with the 2010 Comprehensive Plan. The existing land use designations *Existing Neighborhood* and *Area of Stability* are compatible with the established development patterns of the surrounding neighborhood.

The statement provided by the applicant that the *large ill-regular shape of the lot has no practical use and cannot be developed* is inaccurate. The existing lot has a practical and previously established use as the rear yard of a residence when the Comprehensive Plan was adopted in 2010.

The applicant is proposing to expand the *Mixed-Use Corridor* into an established neighborhood to accommodate an existing off-street parking area. It appears the applicant proposes to split the subject lot (off-street parking area) from the larger parent tract. If the proposed lot split is approved the applicant intends to combine the off-street parking area with Lots 32, 33 and 34 to the south.

The applicant has stated that *the additional parking requirements are essential to the proper use of the existing building as modified by the approved plans with the City*. It appears that the two existing office buildings in the proposed project area (see Figure 2) are required by the current zoning code to provide a total of 18 off-street vehicle parking spaces.

In reviewing the total proposed project area it appears that the applicant has the option of expanding the parking area to Lot 32 as shown in Figure 2. The conceptual plan shown in Figure 2 indicates that Lots 32, 33 and 34 can accommodate 38 vehicle parking spaces. It appears expansion of the off-street parking area to Lot 32 would allow the applicant to meet and exceed the minimum parking required under the current zoning code. Lot 32 is currently zoned OL and was designated as a *Mixed-Use Corridor* and an *Area of Growth* when the Comprehensive Plan was adopted in 2010. Expansion of an off-street parking area onto Lot 32 would be more practical as off-street parking is a use permitted by right in an OL district; and is consistent with the goals and policies of the Comprehensive Plan for the project area.

There are those circumstances where a business needs excess parking to accommodate parking demand during peak hours. Staff has visited the site (see attached pictures) and it does not appear that the existing office use south of the subject lot has a significant need for overflow parking. If there is a significant need for additional parking, the applicant/developer has the option of expanding the parking area onto Lot 32 where off-street parking is consistent with the goals and policies of the Comprehensive Plan for the surrounding area. There is also on-street parking available to meet parking demands. Therefore, there is no justification for the expansion of an off-street parking area into an established residential neighborhood.

## II. STAFF RECOMMENDATION

- Staff recommends Denial of the *Mixed-Use Corridor and Area of Growth* land use designation as submitted by the applicant.

Related to Items 9, 10 and 11:

## **PUBLIC HEARINGS:**

9. **Z-7329 – Jim Shofner**, Location: Northwest of the northwest corner of East 31<sup>st</sup> Street and South Sandusky Avenue, requesting a rezoning from **RS-3 to OL**, (CD 9) (Related to CPA-42 & LS-20854 & LC-752)

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

The site that is subject to this zoning request is located in midtown Tulsa, within an existing residential neighborhood south of the Broken Arrow Expressway and north of E 31<sup>st</sup> St S. The surrounding area contains single family residential on the north, east and west; residential, office and commercial retail about the subject lot on the south and southeast. In a written statement provided with the concurrent Comprehensive Plan Amendment application, the applicant has stated that the existing parking area on the subject site currently supports the office building to south.

The subject lot (existing parking area) is currently located in the rear yard of on an RS-3 zoned residential lot; an existing residence abuts the subject lot on the north. The existing off-street parking area is not a permitted use in the RS-3 zoning district and is in violation of the current City of Tulsa Zoning Code; the subject lot is also located within the City of Tulsa Regulated floodplain. The applicant has stated the existing off-street parking area was constructed in 2013. The parking area was built without obtaining the necessary permits and approval from the City of Tulsa.

### **DETAILED STAFF RECOMMENDATION:**

*The existing lot was platted prior to construction of the existing home in 1950. A portion of the east edge of the original lot has previously been split. The lot is a large wedge shaped lot at the end of an East 30<sup>th</sup> Street South which is a cul-de-sac. The frontage of the lot is approximately 35 feet wide. Splitting this lot to accommodate parking for office expansion will limit the ability of the future lot owner to expand or build a new home on this site. The minimum bulk and area requirements for the lot are met however this proposed rezoning, lot split and potential reduction of the lot size will severely impact future expansion or redevelopment opportunities, and;*

*The rezoning request is not consistent with the Existing Neighborhood vision of the Comprehensive Plan or the anticipated future development or redevelopment of this neighborhood, and;*

*OL zoning is not consistent with the existing development surrounding the site on the west, north and east, therefore;*

Staff recommends **DENIAL** of Z-7329 to rezone property from RS-3 to OL.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The existing home and lot is consistent with the Existing Neighborhood vision of the Comprehensive Plan. Reduction of the existing lot size and rezoning a portion of Lot 40 Block 4 of the Santa Monica Addition erodes the fabric of the established single family residential neighborhood.*

### 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 Stability

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

Transportation Vision:

*Major Street and Highway Plan:*

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

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

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject property* is located in midtown Tulsa, within an existing residential neighborhood south of the Broken Arrow Expressway and north of E 31<sup>st</sup> St S. The surrounding area contains single family residential on the north, east and west; residential, office and commercial retail abut the subject lot on the south and southeast. In a written statement provided with the Comprehensive Plan Amendment application, the applicant has stated that the existing parking area on the subject site currently supports the office building to south.

The subject lot (existing parking area) is currently located in the rear yard of on an RS-3 zoned residential lot; an existing residence abuts the subject lot on the north. The existing off-street parking area is not a permitted use in the RS-3 zoning district and is in violation of the current City of Tulsa Zoning Code; the subject lot is also located within the City of Tulsa Regulatory floodplain. The

applicant has stated the existing off-street parking area was constructed in 2013. The parking area was built without obtaining the necessary permits and approval from the City of Tulsa.

Environmental Considerations:

The majority of Lot 40 is in the Tulsa Regulatory floodplain. The entire area where the existing parking lot, proposed lot split, zoning and comprehensive plan are requested is inside the Tulsa Regulatory Floodplain. Future development of the site of any kind will require floodplain mitigation efforts satisfying Department of Development Services in the City of Tulsa.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 31 <sup>st</sup> Street	Secondary Arterial with multi modal overlay	100 feet	4
East 30 <sup>th</sup> Street	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available. The lot split associated with this rezoning request will require a sanitary sewer extension to serve the existing home on the site.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Design.</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single-family residential
South	OL and OM	<i>Mixed-Use Corridor</i>	Area of Growth	Office and commercial/retail
East	RS-3 and OM	<i>Existing Neighborhood and Mixed-Use Corridor</i>	Area of Stability and Area of Growth	Single-family residential and commercial/retail
West	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**Subject Property:**

*No relevant history for the subject property.*

**Surrounding Property:**

**BOA-14067 May 29, 1986:** The Board of Adjustment **denied** a *Variance* to allow an existing wooden sign from the required 50' to 30' of the centerline of 31<sup>st</sup> Street, on property located at 4143 E. 31<sup>st</sup> Street (Lot 32, Block 4, Santa Monica Addn.) and abutting south of subject property.

**BOA-8221 April 4, 1974:** The Board of Adjustment **approved** a *Variance* of the front setback requirement from 100' to 77', from the centerline of 31<sup>st</sup> Street in an OL district, per plot plan, on property located at 4143 E. 31<sup>st</sup> Street (Lot 34, Block 4, Santa Monica Addn.) and abutting south of subject property.

Related to Items 8, 10 and 11:

10. **LS-20854** (Lot-Split) (CD 9) – Location: Northwest of the northwest corner of East 31<sup>st</sup> Street and South Sandusky Avenue, (related to: CPA-42, LC-752 & Z-7329)

**STAFF RECOMMENDATION:**

*Present Use:* Surface Parking zoned RS-3/Residential

Proposal: Split south portion of Lot 40, Block 4 Santa Monica Addition, if rezoning to OL is approved.

Proposed use: Surface Parking zoned OL.

Staff recommends **DENIAL**. The proposed OL district encroaches into an established residential neighborhood and is not consistent with the land use designation of the Comprehensive Plan. CPA-42 is a concurrent request to change the Plan. Staff also recommends denial of that Plan amendment.

Related to Items 8, 9, and 10:

11. **LC-752** (Lot-Combination) (CD 9) – Location: Northwest of the northwest corner of East 31<sup>st</sup> Street and South Sandusky Avenue, (related to: CPA-42, LS-20854 & Z-7329)

**STAFF RECOMMENDATION:**

*Present Use:* Surface Parking zoned RS-3/Office

*Proposed Use:* Surface Parking zoned OL

*Concept summary:* Rezone from RS-3 to OL and tie to lots south of this tract if rezone to OL is approved.

*Tract Size:* 0.173 ± acres

Staff recommends **DENIAL**. The proposed OL district encroaches into an established residential neighborhood and is not consistent with the land use designation of the Comprehensive Plan. CPA-42 is a concurrent request to change the Plan. Staff also recommends denial of that Plan amendment.

Ms. Moye presented the proposed Comprehensive Plan Amendment and recommended denial.

**TMAPC COMMENTS:**

Mr. Reeds asked if the subject property is currently out of compliance. Ms. Moye stated that it is out of compliance. Ms. Moye further stated that if the property rezoned for office, the use is allowed.

In response to Mr. Covey, Ms. Moye stated that the parking behind the house is currently zoned residential and is actually the back yard of the house. Ms. Moye stated that she understands that the parking has been in place since 2013.

**Applicant's Comments:**

**Jim Shofner**, 4312 East 30<sup>th</sup> Street, stated that he owns lots 40, 34, 33 and 42. Mr. Shofner cited the history of the purchases of homes in the subject area. Mr. Shofner stated that he zoned the properties on 31<sup>st</sup> Street to OL and used them as a law office since 1970. Mr. Shofner further stated that he has retired from being a lawyer and has started a new business and has increased the two offices into a single office building in the mid 1980's. The southern part of Lot 40, which has parking lot on it is not permitted and was an error on his part. Mr. Shofner explained that he did everything he was supposed to except get permits. Mr. Shofner expressed that he would like to add the house to the west to the existing offices. Mr. Shofner indicated that he was having trouble renting the house with the large lot. Because renters didn't want to mow it, he started using it for parking for his business. Mr. Shofner explained that by taking some of the lot from the existing lot, he is simply changing the zoning line and not changing the character or the viability of the subject neighborhood. Mr. Shofner stated that when he built an addition onto the office he needed more parking. Mr. Shofner commented that changing the zoning line is not going to change the stability or any of the properties in the subject area.

**TMAPC COMMENTS:**

Mr. Dix stated that he has a problem with Mr. Shofner doing all of this without obtaining proper permits, especially since he is an attorney. Mr. Shofner stated that in 2013 when he obtained the building permit, and got everything taken care of that needed to be taken care of, it was an oversight on his part that he didn't get the parking permitted and developed it as it was presented to the City. Mr. Shofner stated that he is now asking for forgiveness of that.

Mr. Covey asked Mr. Shofner if any of his neighbors have complained about the parking situation. Mr. Shofner stated that he has never had any complaints directed to him at anytime about any of the operations on 31<sup>st</sup> Street or the residential properties.

Mr. Walker asked if the permit for the parking lot was issued erroneously. Mr. Shofner stated that there was not a separate permit issued for the parking lot and he didn't request one.

Mr. Covey asked what the 2013 building permit was for. Mr. Shofner stated that the permit was for the addition on the house, which was approximately 30' x 30'.

Mr. Dix asked staff what would happen if this is denied. Ms. Moyer stated that it would be denied and he would have to remove the parking lot that is not permitted. Ms. Miller stated that it would become a Code enforcement issue.

**INTERESTED PARTIES COMMENTS:**

**Susan Nash**, 4312 East 30<sup>th</sup> Street, 74114, submitted photographs (Exhibit A-1), stated she lives on the cul-de-sac that is directly behind the subject property. She explained that the properties are pie-shaped and have a lot of land in the back. Ms. Nash stated that things were fine with the law officer with a graveled area in back for people to park, with seven to eight cars. Ms. Nash explained that her property abuts where the new parking lot has been developed and where he wants to develop more parking. Ms. Nash stated that Mr. Shofner arbitrarily moved his fence and installed a parking lot where it is zoned for residential. Ms. Nash further stated that he contracts for the whole State to collect money from felons. This is a small neighborhood and the Methodist Manor is across the street on 31<sup>st</sup> Street. Ms. Nash stated that all of the pictures she has submitted are taken from her lot. There is about 13 feet from her yard to the nearest parking space. Ms. Nash further stated that she has counted 31 vehicles parked there. Ms. Nash explained that people are parked in the parking lot next to her property and watching her and her husband in their backyard. Ms. Nash feels that she has lost her privacy. Ms. Nash stated that she objects to the rezoning and asks that everything that has been

done without a permit be eliminated. Ms. Nash expressed concerns with flooding due to the pavement. Ms. Nash stated that this is a floodplain.

Mr. Covey asked Ms. Nash if she ever objected to Mr. Shofner. Ms. Nash answered affirmatively.

**John Nash**, 4312 East 30<sup>th</sup> St, 74114, stated that when there was a small lawyer practice there were only a few cars, but when he got the new contract he went from a few cars to a constant stream of cars and people. Mr. Nash stated that it is uncomfortable to be in his backyard due to the parking lot and the many cars. Mr. Nash mentioned the new flooding due to the concrete parking lot. Mr. Nash submitted a petition (Exhibit A-2).

**Joann Shofner**, 4129 East 31<sup>st</sup> Street, 74135, stated that she is concerned about the land and the property because it is in a City of Tulsa Regulatory Floodplain and it has changed with the land being covered in concrete. Ms. Shofner submitted photographs of standing water (Exhibit A-3). Ms. Shofner stated that the house was never hard to rent, but the renters didn't like to mow the large back yard and that is when her Dad and brother put the fence up and her brother took on the responsibility of mowing that portion of the yard. Ms. Shofner cited ownership history of the subject property and development of the subject property. Ms. Shofner commented that her main concern is that she doesn't want more concrete poured around the house adjacent to her, which is the future proposal. Ms. Shofner stated that she doesn't know where the water would go if the applicant is allowed to continue with the parking lot and add more concrete for parking because it is all in the City of Tulsa Regulatory Floodplain. Ms. Shofner stated that connecting the subject houses together for office use is changing the character of the neighborhood and isn't consistent with the subject area.

Mr. Walker asked Ms. Shofner if she was opposed to all four applications. Ms. Shofner answered affirmatively.

**Applicant's Rebuttal:**

Mr. Shofner stated that the parking in the back is needed for the office and it doesn't change the character of the area of the back as far as stability or use. Mr. Shofner stated it does change the view because it will be an office with parking. Mr. Shofner explained that he is simply asking to move the property line in conjunction with modern day use of those particular properties to the best advantage. Mr. Shofner stated that he doesn't believe that this is an unreasonable request based upon current use of the subject properties and the uniqueness on the subject properties, which was used by the Board of Adjustment to obtain the variances. Mr. Shofner further stated that he has installed a six-foot privacy fence to block the view of his neighbors. Mr. Shofner commented that he did have a

conversation with one of his neighbors to purchase his property and he wasn't interested. Mr. Shofner further commented that his neighbor never indicated that he was unhappy with the office use and parking lots. Mr. Shofner stated that he doesn't believe the business that he operates on 31<sup>st</sup> Street bothers anyone on 30<sup>th</sup> Street. Mr. Shofner further stated that there has not been any water problem in conjunction with his buildings and the parking lots. There is a large stormwater management system between his offices and the store on the corner.

Mr. Fretz asked Mr. Shofner if he had an engineer to prepare drainage plans for these four lots. Mr. Shofner stated that he hasn't done that at this point and time. That is an issue that he understands would be a second step if there were in fact any problems.

Mr. Reeds asked Mr. Shofner if he stated that he had done other projects in Tulsa. Mr. Shofner stated that he hasn't done any development projects in Tulsa. Mr. Reeds asked Mr. Shofner if this is his first time he has ever dealt with the building department or regulatory agencies. Mr. Shofner stated that he has, on the behalf of his client, been before the Board of Adjustment for McBirney Mansion and he hasn't ever done a rezoning application to his recollection. Mr. Reeds asked Mr. Shofner if he is aware of the process that is required. Mr. Shofner answered affirmatively. Mr. Shofner stated that he did make applications for rezoning his own properties.

Mr. Fretz stated that he supports staff's recommendation based on the Comprehensive Plan that this is a neighborhood and the water runoff issues.

Mr. Dix stated that he doesn't know where to start. Mr. Dix commented that he is flabbergasted and angry that a Professional would not get the advice that he would need to do the things that he has done in this matter. To not have talked to an engineer or consult a real estate attorney and to not have consulted anyone and just went and did it blows him away. Mr. Dix stated that with that understanding in mind he would like to make a motion to not only deny this application on all four issues, but to require that he tears out the parking lot. This makes no sense whatsoever.

Mr. Midget seconded the motion. Mr. Midget stated that once the motion for denial is passed the applicant will be required to tear it out because it is a zoning violation.

**TMAPC Action; 11 members present:**

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

Comprehensive Plan Amendment for CPA-42, the OL zoning for Z-7329, the lot-split for LS-20854 and the lot-combination for LC-752 per staff recommendation. [Items 8, 9, 10 and 11]

\*\*\*\*\*

Mr. Midget out at 2:29 p.m.

- 12. **LS-20857** (Lot-Split) (County) – Location: West of the southwest corner of East 161<sup>st</sup> Street South and South Harvard Avenue

**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing AG (Agriculture) tract into four tracts. All four resulting tracts exceed the Bulk and Area requirements of the Tulsa County Zoning Code.

Technical Advisory Committee met on February 18, 2016. The County Engineer is requiring a 50’ right-of-way easement along E. 161<sup>st</sup> St S. This easement is to include all previous dedicated right-of-way.

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

**Interested Parties Comments:**

**Dave Swanson**, 16104 South Harvard Avenue, Bixby, OK 74008, Manager of the Horse Ranch, expressed concerns about the creek running through the subject property and possibly forcing water onto the property where he works.

**Applicant’s Rebuttal:**

**Shane Roller**, 15831 South Lewis Avenue, Bixby, OK 74008, stated that he is the owner of the 20 acres. Mr. Roller stated that after the rain last fall the water never came out of the creek. Mr. Roller further stated that they are only putting one house on the subject property.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; Midget “absent”) to **APPROVE** lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20857 per staff recommendation.

\*\*\*\*\*

13. **LS-20858** (Lot-Split) (County) – Location: South of the southeast corner of East 106<sup>th</sup> Street North and North Sheridan Road

**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. Both of the resulting tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code.

The Technical Advisory Committee met on February 18, 2016 and had the following comments. A 50' right-of-way Easement is needed along North Sheridan Road. The "panhandle" portion of the property needs to be widened to 30 feet and the County engineer would like to see square footages for both tracts on the survey.

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

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20858 per staff recommendation.

\* \* \* \* \*

14. **Sheridan Communication Federal Credit Union – Minor Subdivision Plat**, Location: Southwest corner of East 31<sup>st</sup> Street South and South Sheridan Road, (CD 5)

**STAFF RECOMMENDATION:**

The plat consists of 1 Lot, 1 Block, on, 9 acres.

The following issues were discussed February 18, 2016, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned .CS (commercial shopping).

2. **Streets:** Fifty feet of right of way is required for 31<sup>st</sup> Street as a Secondary Arterial from centerline. Additional 8 feet is required to be dedicated for right turn lane. Provide reference for existing right of way such as plat number or book and page number. Covenant Section 1 A must include dedication language. Is the 70 foot side ACC, a mutual access easement? Show the existing access location on 31<sup>st</sup> and provide reference for it such as: "Access per plat number." South property line has mutual access easement. Show width of MAE and call it out. Include mutual access language in covenants.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** The limits of the flood plain need to be clearly delineated on the plat as well as overland drainage easement for the flood plain conveyance. Calculations may be required to demonstrate that the flood is clearly conveyed without loss of flood plain storage causing any adverse impact...
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Provide the correct subdivision boundary for the "Little Lighthouse" plat in the location map. Submit control data sheet. Tie plat to the northeast section corner of Section 22. Label the point of commencement and provide bearings and distances down to the point of beginning graphically. Also incorporate into the legal description of the plat. Provide the expiration dates for engineer and surveyor information. Add "State Of" before Oklahoma. Provide the address caveat disclaimer statement. Place the street address inside the plat boundary graphically.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

**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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor subdivision plat for Sheridan Communication Federal Credit Union per staff recommendation.

\* \* \* \* \*

Mr. Midget in at 2:38 p.m.

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

17. **Z-7328 – Randy Branstetter**, Location: North of East 14<sup>th</sup> Street South at South 138<sup>th</sup> East Avenue, requesting for rezoning from **AG/RS-2/RS-3/PUD-181 to AG**, (CD 6) (Related to PUD-181-A)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

Z-7328 is a 15 acre tract that is partially in a PUD 181, partially zoned AG, RS-2 and RS-3. The site is adjacent to Harvey Young Airport and also adjacent to a large parcel that has never been developed.

The applicant is changing all of his property to AG zoning district and ultimately combining the entire ownership into one parcel. Future redevelopment is not contemplated at this time.

**DETAILED STAFF RECOMMENDATION:**

In conjunction with the abandonment of a portion of PUD 181 the request for AG zoning consistent with the surrounding uses, and;

In this instance the AG zoned property is already part of the parcels zoning. This request will bring the entire site into one zoning classification, and;

Z-7328 is consistent with the Comprehensive Plan however the comprehensive plan ultimately will support a much denser residential development, and;

Z-7328 is harmonious with the surrounding property, therefore:

Staff recommends **APPROVAL** of Z-7328 to rezone property from AG/RS-2/RS-3/PUD-181 to AG.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: Typically this site would be developed as a single family residential area with much greater density however the current property ownership is approximately 15 acres and there are no immediate plans to redevelop the site. The request for AG zoning supports the existing property use. The long term vision for this area will remain a New Neighborhood with the long term vision for the site to include connections to the existing street network on East 14<sup>th</sup> Street and South 138<sup>th</sup> East Avenue and a higher density residential use.*

### Land Use Vision:

#### *Land Use Plan map designation: New Neighborhood*

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

#### *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 site is a large tract of land with a single family residence and support buildings. South 138<sup>th</sup> East Avenue stubs into the south and north ends of the site. Future property development for anything other than a single family residential property the street will be connected through the property. West of the site is a small airport.*

*Street View at northwest corner of East 14<sup>th</sup> Street South at South 138<sup>th</sup> East Avenue looking north:*

*(See Next Page)*



Environmental Considerations: None that would affect future redevelopment opportunities or the existing uses. The adjacent airport west of the property could have some impact on future development opportunities.

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 14 <sup>th</sup> Street South	None	50 feet	2
South 138 <sup>th</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	RS-3	<i>Existing Neighborhood</i>	Stability	Single-family residential
South	RS-3/PUD 181	<i>Existing Neighborhood</i>	Stability	Single-family residential
East	RS-3/PUD 181	<i>New Neighborhood</i>	Growth	Vacant
West	RS-2	<i>New Neighborhood</i>	Growth	Harvey Young Airport

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 13590 dated April 1, 1976 (PUD-181), and 13588 dated March 30, 1976 (RS-3), and 12323 dated December 22, 1971 (RS-2), and 11817 dated June 26, 1970 (AG), established zoning for the subject property.

***Subject Property:***

**Z-6431/ PUD-181 Abandonment February 1994:** All concurred in **denial** of a request for *rezoning* a 80± acre tract of land from RS-3/ PUD-181 to AG and to abandon that portion of PUD-181, for agriculture use, raising animals, etc., on property located north of E. 21<sup>st</sup> St. and on the west side of S. 145<sup>th</sup> E. Ave., running diagonal through the center of the original PUD; and includes the subject property.

**PUD-181 April 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 166± acre tract of land that is broken up into Development Areas, to allow for single-family, duplex, townhouses, and

garden apartments, and clustered single-family residences, on property located north and west of E. 21<sup>st</sup> St. and S. 145<sup>th</sup> E. Ave. and is a part of the subject property.

***Surrounding Property:***

*No relevant history for surrounding properties except the following background relating the Harvey Young Airport.*

Harvey Young Airport has been operational since 1968. The entire property is zoned RS-2 and has been to the Board of Adjustment several times. The most recent request was a Special Exception to permit additional hangers. That Special Exception was approved as recorded in Case# 18113 in 1998.

Board of Adjustment (Case# 10797) granted a variance for an office building, flying school, and airplane storage in 1979. The uses will not be allowed after the airport ceases to operate. In 1982 the size of the previously approved accessory building was expanded from 750 square feet to 3200 square feet until such time the Harvey Young Airport ceases to exist.

**Related Item to Z-7328:**

18. **PUD-181-A - Randy Branstetter**, Location: North of East 14<sup>th</sup> Street South at South 138<sup>th</sup> East Avenue, requesting for rezoning a **PUD Major Amendment to Abandon PUD** to bring all of the ownership into a single zoning category that supports development for large estate parcels for single-family residence, **AG/RS-2/RS-3/PUD-181 to AG/PUD-181-A**, (CD 6) (Related to Z-7328)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

PUD-181-A is approximately a 5 acre parcel included in within the boundaries of a concurrent rezoning request outlined in Z-7328. The rezoning request includes the entire is a 15 acre tract.

The site is adjacent to Harvey Young Airport and also adjacent to a large parcel that has never been developed. Harvey Young I zoned RS-2 and outside the boundary of PUD 181. The undeveloped site east of this request is all zoned RS-3 and included in PUD 181. PUD 181 covered 165+/- acres and included a mix of uses including single family and residential. The applicant is cleaning up the underlying zoning and changing the entire site to AG zoning district.

### **DETAILED STAFF RECOMMENDATION:**

In conjunction with the request for AG zoning the abandonment of a portion of PUD 181 consistent with the surrounding uses, and;

In this instance the AG zoned property is already part of the parcels zoning. This request will bring the entire site into one zoning classification, and;

PUD-181-A is consistent with the Comprehensive Plan however the Comprehensive Plan ultimately will support a much denser residential development, and;

PUD-181-A is harmonious with the surrounding property, therefore:

Staff recommends **APPROVAL** of PUD-181-A Abandonment as outlined in Section I above.

### **SECTION II: Supporting Documentation**

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: Typically this site would be developed as a single family residential area with much greater density however the current property ownership is approximately 15 acres and there are no immediate plans to redevelop the site. The request for AG zoning supports the existing property use. The long term vision for this area will remain a New Neighborhood with the long term vision for the site to include connections to the exiting street network on East 14<sup>th</sup> Street and South 138<sup>th</sup> East Avenue and a higher density residential use.*

#### Land Use Vision:

*Land Use Plan map designation: New Neighborhood*

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

*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 site is a large tract of land with a single family residence and support buildings. South 138<sup>th</sup> East Avenue stubs into the south and north ends of the site. Future property development for anything other than a single family residential property the street will be connected through the property. West of the site is a small airport.*

*Street View at northwest corner of East 14<sup>th</sup> Street South at South 138<sup>th</sup> East Avenue looking north:*

*(See Next Page)*



Environmental Considerations: None that would affect future redevelopment opportunities or the existing uses. The adjacent airport west of the property could have some impact on future development opportunities.

Streets:

<b><u>Existing Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
East 14 <sup>th</sup> Street South	None	50 feet	2
South 138 <sup>th</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	<i>Existing Neighborhood</i>	Stability	Single-family residential
South	RS-3/PUD-181	<i>Existing Neighborhood</i>	Stability	Single-family residential
East	RS-3/PUD-181	<i>New Neighborhood</i>	Growth	Vacant
West	RS-2	<i>New Neighborhood</i>	Growth	Harvey Young Airport

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

**ZONING ORDINANCE:** Ordinance number 13590 dated April 1, 1976 (PUD-181), and 13588 dated March 30, 1976 (RS-3), and 12323 dated December 22, 1971 (RS-2), and 11817 dated June 26, 1970 (AG), established zoning for the subject property.

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

**Z-6431/ PUD-181 Abandonment February 1994:** All concurred in **denial** of a request for *rezoning* a 80± acre tract of land from RS-3/ PUD-181 to AG and to abandon that portion of PUD-181, for agriculture use, raising animals, etc., on property located north of E. 21<sup>st</sup> St. and on the west side of S. 145<sup>th</sup> E. Ave., running diagonal through the center of the original PUD; and includes the subject property.

**PUD-181 April 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 166± acre tract of land that is broken up into Development Areas, to allow for single-family, duplex, townhouses, and garden apartments, and clustered single-family residences, on property located north and west of E. 21<sup>st</sup> St. and S. 145<sup>th</sup> E. Ave. and is a part of the subject property.

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

*No relevant history for surrounding properties except the following background relating the Harvey Young Airport.*

*Harvey Young Airport has been operational since 1968. The entire property is zoned RS-2 and has been to the Board of Adjustment several times. The most recent request was a Special Exception to permit additional hangers. That Special Exception was approved as recorded in Case# 18113 in 1998.*

*Board of Adjustment (Case# 10797) granted a variance for an office building, flying school, and airplane storage in 1979. The uses will not be allowed after the airport ceases to operate. In 1982 the size of the previously approved accessory building was expanded from 750 square feet to 3200 square feet until such time the Harvey Young Airport ceases to exist.*

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

**Randy Branstetter**, 7648 South Guthrie Avenue, 74132, stated the owner intends to keep this as a single-family residence and is investing a tremendous amount of money into the subject property and renovate the existing home.

In response to Mr. Carnes, Mr. Branstetter stated that there are no plans to develop the subject property and it will remain a single-family home residence.

**INTERESTED PARTIES:**

**Kathy and Gregory Perez**, 1244 South 138<sup>th</sup> East Avenue, 74108; **Tony Bledsoe**, 1239 South 138<sup>th</sup> East Avenue, 74108, **Joey Crawford**, 1231 South 138<sup>th</sup> East Avenue, 74108; and **Betty Haynie**, 1305 South 135<sup>th</sup> East Avenue, 74108.

**INTERESTED PARTIES COMMENTS:**

All of the interested parties were concerned that the dead-end street would be opened up for the subject property. They were opposed to the street being opened to through traffic. The interested parties stated that they didn't have a problem with the application except the concerns of the street being opened. Ms. Haynie expressed concerns of the street being opened and developing a subdivision.

Mr. Dix stated that there is nothing in today's proposal that mentions opening the street to through traffic. Ms. Perez stated that the applicant made a comment to the neighbors that he wanted to put a gate in and open it up.

Mr. Dix asked Mr. Perez if it would cause him any concern if the applicant wanted to put a gate in for access from the north side of his property. Mr. Perez stated that it does bother him because there are kids in the neighborhood. Mr. Perez stated that he doesn't mind if they put a gate in for their own use and no street is built.

**Applicant's Rebuttal:**

Mr. Branstetter stated that his client has no intention of developing the property and to his knowledge there is no attempt to put a gate on the north side of the subject property. The County Assessor's Records shows that there is a 25-foot right-of-way on one side. Mr. Branstetter stated that his client plans to put columns and an electronic gate at the south end of the subject property. There will be new fencing and columns across the front and there is no intention of an access in the north end.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the AG zoning for Z-7328 and recommend **APPROVAL** of the major

amendment to abandon PUD for PUD-181-A per staff recommendation.  
[Items 17 and 18]

**Legal Description for Z-7328/PUD-181-A:**

A piece, parcel, or tract of land located in the SW/4 of NE/4 of Section 9, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma more particularly described as follows: Beginning at the NW corner of said SW/4 of the NE/4; thence South 89°59'43" East for a distance of 661.85 feet along the North line thereof; thence South 00°92'03" West for a distance of 990.97 feet parallel to the West line thereof; thence North 90°00'00" West for a distance 91.53 feet; thence North 00°00'00" East for a distance of 25.88 feet; thence South 89°30' 14" West for a distance of 40.68 feet to a point of curvature concave to the Southwest; thence along a curve to the right having a radius of 25.00 feet and an arc length of 31.52 feet, being subtended by a chord of S 38°30'53" West for a distance of 29.43 feet to a point of tangency; thence North 90°00'00" West for a distance of 511.31 feet to the West line thereof; thence North 00°02'03" East for a distance of 988.52 feet along said West line to the Point of Beginning.

\* \* \* \* \*

19. **CZ-446 – Alan Betchan**, Location: Southwest corner of East 96<sup>th</sup> Street North and North Sheridan Road, requesting rezoning from **AG to RE**, (County)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

This site is not included in any Comprehensive Plan in Tulsa County. The adjacent surrounding property is all zoned AG. Two parcels within ¼ mile have been previously zoned with Residential Estate (RE). This area is continuing to develop with low density single family residential land use.

**DETAILED STAFF RECOMMENDATION:**

Street infrastructure and utility infrastructure has been previously provided around the north and east edges of the property. This rezoning request will not adversely impact the existing infrastructure, and

RE zoning is consistent with expected development pattern in the area, and

RE zoning is compatible with the existing development pattern in the area and non injurious to the surrounding property, and

Staff recommends **APPROVAL** of CZ-446 to rezone property from AG to RE.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is not included in any Comprehensive Plan.*

#### Land Use Vision:

*Land Use Plan map designation: NA*

*Areas of Stability and Growth designation: NA*

#### Transportation Vision:

*Major Street and Highway Plan: NA*

*Trail System Master Plan Considerations: NA*

Small Area Plan: NA

Special District Considerations: NA

Historic Preservation Overlay: NA

### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is gently rolling with very little tree cover. An existing water line and existing 2 lane arterial streets provide vehicular access to the site.*

“Street View” image facing southwest from the northeast corner of the site:



Environmental Considerations: None that affect

Streets:

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

Utilities:

The subject tract is municipal water. Sanitary sewer is not available and will be provide by the developer prior to release of any building permit.

Surrounding Properties: The subject tract is abutted on all sides by AG Zoned property.

### **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 for subject property.*

***Surrounding Property:***

**CZ-429 January 2014:** All concurred in **approval** of a request for *rezoning* a 100± acre tract of land from AG to RE for single-family development, on property located northwest corner of East 86<sup>th</sup> Street and North Sheridan Road.

**CZ-423 April 2013:** All concurred in **approval** of a request for *rezoning* a 160± acre tract of land from AG to RE for residential development, on property located northeast corner of East 86<sup>th</sup> Street North and North Sheridan Road.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the RE zoning for CZ-466 per staff recommendation.

**Legal Description for CZ-446:**

NE/4 NE/4 Section 22 Township 21 N Range 13 E, Tulsa County, State of Oklahoma.

\*\*\*\*\*

- 20. **Z-7330 – Stephen Schuller**, Location: East of southeast corner of East 51<sup>st</sup> Street South and South Lewis Avenue, requesting rezoning from **OM to CS**, (CD 9)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:** The existing site is an OM district with the local Girl Scout office occupying the site. The Girl scouts are moving to a new location near the Broken Arrow Expressway and 129<sup>th</sup> East Avenue opening up a redevelopment opportunity for this tract of land. The CS district is compatible with redevelopment opportunities contemplated in the Town Center land use designation.

**DETAILED STAFF RECOMMENDATION:**

Z-7330 requesting CS zoning is consistent with the Town Center land use designation of the Comprehensive Plan, and;

CS zoning is compatible with the existing development on the site and the existing proximate properties, and;

CS zoning is compatible with the anticipated future redevelopment opportunities in this area, therefore;

Staff recommends **APPROVAL** of Z-7330 to rezone property from OM to CS.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: CS zoning supports many redevelopment opportunities that are complementary with the Town Center land use designation. The site is currently a Girl Scout office. The Girl Scouts are moving to a new location near the Broken Arrow Expressway and 129<sup>th</sup> East Avenue.*

**Land Use Vision:**

*Land Use Plan map designation: Town Center*  
Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and

employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

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

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

Transportation Vision:

*Major Street and Highway Plan: 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 site is currently occupied with the Tulsa Girl Scout Service Center Headquarters. The site is one and two story*

*office construction behind a recently constructed retaining wall that was part of the I-44 widening project as shown below. The zoning code will allow building construction within 10 feet of the property line*

View facing south from the northeast corner of the site:



View facing west from the northeast corner of the site



Environmental Considerations: None that would affect site redevelopment, the retaining wall and site development considerations that were part of the I-44

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 51 <sup>st</sup> Street South	Secondary Arterial with Multi Modal overlay	100 feet	5

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	OM	None ( <i>I-44 Highway right-of-way</i> )	None ( <i>I-44 Highway right-of-way</i> )	Single-family residential
South and East	RM-2	Town Center	Area of Growth	Single-family residential and commercial/retail
West	CS	Town Center	Area of Growth	Multi Use shopping center

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-17100 July 25, 1995:** The Board of Adjustment approved a Special Exception to permit convenience good and services, and shopping goods and services in an OM district; and a Variance of the required minimum 50,000 sq. ft. to 15, 320 sq. ft.; and a Variance to permit exterior pedestrian access; per plan submitted; subject to the retail portion of the building containing a maximum of 800 sq. ft., and to products for sale being Girl Scout related items only, on property located at 2432 E. 51<sup>st</sup> St. and is also known as the subject property.

**BOA-15698 April 23, 1991:** The Board of Adjustment approved a Special Exception to permit the sale of Girl Scout uniforms and uniform accessory items; Variance of the minimum floor area required in the principal building from 50,000 to 6912 sq. ft., and a Variance to permit exterior pedestrian access; and to Withdraw a Variance to waive the screening requirement along the property lines in common with an R zoned district; per plot plan submitted; finding that the sale of Girl Scout uniforms and uniform accessories does not constitute a commercial business and will not be

detrimental to the area, on property located at 2432 E. 51<sup>st</sup> St. and is also known as the subject property.

***Surrounding Property:***

**Z-7154 August 2010:** All concurred in approval of a request for rezoning a 1± acre tract of land from OL/ OMH/ PUD-482-A to CS, for commercial use, on property located south of the southeast corner of East 51<sup>st</sup> Street and South Lewis Avenue.

**PUD-482-B Abandonment July 2010:** All concurred in approval of a proposed Major Amendment to PUD on a 1± acre tract of land to abandon that portion of the PUD, on property located south of the southeast corner of East 51<sup>st</sup> Street and South Lewis Avenue.

**PUD-482-A September 1997:** All concurred in approval of a major amendment to PUD-482 to change the permitted uses from motel to two development areas. One area allows elderly/retirement housing and life care retirement center and the second area permits office use on property located south of the southeast corner of 51<sup>st</sup> Street and South Lewis Avenue.

**Z-6346/PUD-482/PUD-373-A January 1992:** A request was filed to rezone a half-acre tract from OL to OMH and to abandon an existing PUD-373. The request was to combine the half-acre tract with the adjoining property under a new Planned Unit Development (PUD-482) for the development of a motel complex with offices, restaurant, living quarters for the manager, conference area and pool area. Staff recommended denial of OMH zoning and approval of OL/PUD subject to conditions on property located south of the southeast corner of 51<sup>st</sup> Street and South Lewis Avenue.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CS zoning for Z-7330 per staff recommendation.

**Legal Description for Z-7330:**

N/2 W/2 E/2 NW NW SEC 32 19 13, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Mr. Wilkerson stated that he will be presenting Items 21 and 22 together:

21. **PUD-467-A – Eller & Detrich/Andrew Shank**, Location: West of northwest corner of East 51<sup>st</sup> Street South and South Pittsburgh Avenue, requesting a **PUD Major Amendment** to add Use Unit 21 – Outdoor Advertising Sign, **CO/PUD-467 to CO/PUD-467-A**, (CD 9) (Related to Z-6310-SP-6) (Continued from December 16, 2015, January 20, 2016 and February 3, 2016)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

Staff Concept:

The original application was submitted prior to the adoption of the current zoning Code effective January 1, 2016.

The current Code is much more effective in defining all sign standards, dimensions, illuminations provisions and other relevant details. The detailed sight plan process will be managed as defined in the Code adopted prior to January 1, 2016.

Applicant Concept:

The Applicant seeks a Major Amendment to Z-6310/PUD-467 to add Use Unit 21 to Original Development Area 3 and amend the Signage Standards in order to allow for an outdoor advertising sign to be located on Original Development Area 3, pursuant to the Conceptual Site Plan attached hereto. The proposed sign will be 50 FT in height and contain 672 SF of digital display surface area on each face (the “Sign”). In addition to the foregoing, the Sign will be subject to the following Development Standards:

**SECTION II PUD-467-A DEVELOPMENT STANDARDS:**

Off-premise Outdoor Advertising Signs in Z-6310-SP-6 and PUD 467-A Shall conform to the standards identified in the Tulsa Zoning Code as defined below:

1. The Sign shall be separated a minimum distance of 1,200 FT from any other outdoor advertising Sign on the same side of the freeway, measured in a straight line from the center of the Sign structure, as located on the ground, to the center of any other outdoor advertising sign structure, as located on the ground, on the same side of the freeway.

2. The Sign shall not be located within 150 FT of a public park, as measured in a straight line from the nearest point on the Sign structure to the nearest point on the property of the park.
3. The Sign shall not be located within 200 FT of an R district, or designated residential development area, as measured in a straight line from the nearest point on the Sign structure to the nearest point of an R district or residential development area boundary line.
4. No portion of the Sign shall be located within 10 FT of a freeway right-of-way, as measured in a straight line from the nearest point on the Sign structure to the nearest point on the freeway right-of-way boundary line.
5. The Sign shall not contain more than 2 sides, and only 1 side shall be included in the computation of display surface area. The 2 sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped Signs when the angel of separation of the display surfaces does not exceed thirty degrees.
6. The Sign shall be oriented to be primarily visible from the freeway.
7. The Sign shall not contain flashing, blinking or traveling lights or reflective glitter.
8. The Sign shall not be supported by more than 1 post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.
9. The Sign shall not be located within 50 FT of the driving surface of a Signalized intersection, as measured in a straight line from the nearest point on the Sign to the nearest point of the signalized intersection.
10. The Sign shall not be located within 20 FT of the driving surface of a street, as measured in a straight line from the nearest point on the Sign structure to the

nearest point of the street curb, or edge of the traveled roadway marked or understood as such.

11. The illumination on the face of the Sign shall not exceed 70 FT candles measured at a 2 FT distance.

**DETAILED STAFF RECOMMENDATION:**

Z-6310-SP-6 must be a concurrent submittal with PUD 467-A. The following recommendation for denial of PUD 467-A also support a denial of Z-6310 SP-6.

PUD 467-A is not harmonious with the original vision of the PUD as previously approved in 1991, and;

The sign standards identified in the original PUD 467 specifically identified a maximum of one sign on the lot along I-44 with a maximum height of 25 feet and a maximum display surface area of 144 square feet. Since 1991 seven minor amendments have been allowed. Six of those amendments added or further defined signage for the center. All of those additional signs are generally within the original height and size standards identified in the PUD. The overall impacts of the incremental changes to the original sign standards have created a development that is no longer consistent with the vision of PUD 437. Provisions for additional design standards to create a harmonious development have never been implemented during the evolution of the PUD. Additional signage will stray further from the original concept of the PUD, and;

The PUD chapter of the zoning code limits outdoor advertising as defined in Chapter 60. The PUD request offers slight refinements to the standards for the Off Premise Outdoor Advertising Sign, this amendment request is consistent with the standards defined in the code, and;

The proposed sign will add a visual distraction to drivers as they exit from east bound I-44. Drivers are required to slow from highway speeds while making a sharp turn and ultimately navigate a traffic signal to East 51<sup>st</sup> Street South. Any sign at that location may have that effect however digital signage is a significant distraction and safety consideration at this location, and;

The major amendment does not provide a unified treatment of the development possibilities of the project site, and;

The Oklahoma Department of Transportation has recently completed a reconstruction project for I-44 from South Harvard to the Arkansas River. Significant architectural design standards, improved lighting fixtures, and landscaping improvements have been implemented as part of that project. In addition to the significant traffic improvements the visual quality of that section of the highway has been improved dramatically and staff believe it is important to respect that effort, therefore;

PUD 467-A is not consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code, therefore;

Staff recommends **DENIAL** of PUD-467-A as outlined in Section II above.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The general concept of the Town Center is to provide a pedestrian oriented development. The desired pedestrian scale is in direct conflict with the proposed size of outdoor advertising structures.*

### **Land Use Vision:**

#### *Land Use Plan map designation: Town Center*

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

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

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

businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

*Major Street and Highway Plan: (East 51<sup>st</sup> Street South)*

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

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

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The existing PUD has several signs that have been allowed along I-44. Those signs adequately serve the needs of the existing business. Recent roadway improvements on East 51<sup>st</sup> and I-44 also provide greater visibility for existing businesses along this corridor. Recent major highway changes that included*

adding an off ramp from east bound traffic to access East 51<sup>st</sup>. The potential distraction of an outdoor advertising sign while exiting I-44, negotiating a sharp right turn, determining correct lane location and navigating a stop light is already a challenge. Adding outdoor advertising is not appropriate at this location. (See image below)  
 VIEW FROM EAST BOUND OFF RAMP LOOKING AT PROPOSED SIGN LOCATION:



Current “Street View” images illustrate a total of 4 Off-premise outdoor advertising signs from the Arkansas River to South Yale. Two of those signs are on the North side of the expressway; two are on the South side of the expressway. The South Lewis interchange does not have any of this type of signage. ODOT has removed signs during their reconstruction project.

Environmental Considerations:

Significant safety concerns for off ramp east bound traffic.

The proposed signage creates additional distraction to drivers in the east bound I-44 traffic lane while also trying to avoid on-ramp traffic from East 51<sup>st</sup> Street.

On-ramp traffic will be distracted while trying to merge to I-44 from East 51<sup>st</sup> Street South.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 51 <sup>st</sup> Street	Primary Arterial	120 feet	6 +

Utilities: The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by commercial property, zoned CO/PUD 467; on the north by I-44, the south by East 51<sup>st</sup> Street South, further south small offices zoned OL; and on the west by I-44 on and off ramp to East 51<sup>st</sup> Street South.

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

**ZONING ORDINANCE:** Ordinance number 17486 dated May 2, 1991, established zoning for the subject property.

***Subject Property:***

**Z-6310/ PUD-467 May 1991:** All concurred in approval of a request for rezoning a 7.88± acre tract of land from OM/ OMH to CO with a Planned Unit Development for a commercial development including restaurant and retail, on property located on the northwest corner of E. 51<sup>st</sup> St. and S. Pittsburgh Ave. and a part of the subject property. The PUD specifically states that outdoor advertising signs are expressly prohibited.

***Surrounding Property:***

**PUD-235-C December 1991:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land to add restaurant use with accessory bar, to the west half of Building 2, to permitted uses, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253-B April 1985:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land for access/curb cut on S. Marion Ave., which was previously denied by TMAPC, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253-A November 1983:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land to add property to PUD and to add limited retail uses in Building 1, which was limited to office use only, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253 April 1981:** All concurred in approval of a proposed Planned Unit Development on a 1.3± acre tract of land for office building and convenience store, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**Related to PUD-467-A:**

22. **Z-6310-SP-6 - Eller & Detrich/Andrew Shank**, Location: West of northwest corner of East 51<sup>st</sup> Street South and South Pittsburgh Avenue, requesting a **Major Amendment to a Corridor Development Plan** to add Use Unit 21-Outdoor Advertising Sign, **CO/PUD-467 to CO/PUD-467-A**, (CD 9) (Related to PUD-467-A) (Continued from December 16, 2015, January 20, 2016 and February 3, 2016)

**STAFF RECOMMENDATION:**

**DETAILED STAFF RECOMMENDATION:**

Z-6310-SP-6 must be a concurrent submittal with PUD 467-A. The following recommendation for denial of PUD 467-A also support a denial of Z-6310 SP-6.

The conceptual plan referenced by the applicant identifies a proposed sign height of 60 feet with a 672 square foot display identified. The major amendment does not provide a maximum display surface and adds nothing to the design standards of the PUD and,

PUD 467-A is not harmonious with the original vision of the PUD as previously approved in 1991 and,

The sign standards identified in the original PUD 467 specifically identified a maximum of one sign on the lot along I-44 with a maximum height of 25 feet and a maximum display surface area of 144 square feet. Since 1991 seven minor amendments have been allowed. Six of those amendments added or further defined signage for the center. All of those additional signs are generally within the original height and size standards identified in the PUD. The overall impacts of the incremental changes to the original sign standards have created a development that is no longer consistent with the vision of PUD 437. Provisions for additional design standards to create a harmonious development have never been implemented during the evolution of the PUD. Additional signage will stray further from the original concept of the PUD and,

The PUD chapter of the zoning code limits outdoor advertising to Use Unit 1221.F which references standards for digital signs in 1221.G. The PUD amendment request does not clarify if digital signage is proposed however the proposed location of the sign will add a visual distraction to drivers as they exit from east bound I-44. Drivers are required to slow from highway speeds while making a sharp turn and ultimately navigate a traffic signal to East 51<sup>st</sup> Street

South. Any sign at that location may have that effect however digital signage is a significant distraction and safety consideration at this location and,

The major amendment does not provide a unified treatment of the development possibilities of the project site and,

PUD 467-A is not consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code therefore,

Staff recommends **DENIAL** of Z-6310-SP-6 as outlined in above.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The general concept of the Town Center is to provide a pedestrian oriented development. The desired pedestrian scale is in direct conflict with the proposed size of outdoor advertising structures.*

### Land Use Vision:

#### *Land Use Plan map designation: Town Center*

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan:*

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

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

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The existing PUD has permitted several signs along I-44 that adequately serve the needs of the existing business. Recent roadway improvements on East 51<sup>st</sup> and I-44 provide adequate visibility for existing businesses. One of the major

*change in this area included adding an off ramp for east bound traffic to access East 51<sup>st</sup>. The potential distraction of an outdoor advertising sign while exiting I-44, negotiating a sharp right turn, determining correct lane location and navigating a stop light is already a challenge. Adding outdoor advertising is not appropriate at this location.*



Environmental Considerations:

Significant safety concerns for off ramp east bound traffic.

The proposed signage creates additional distraction to drivers in the east bound I-44 traffic lane while also trying to avoid on-ramp traffic from East 51<sup>st</sup> Street.

On-ramp traffic will be distracted while trying to merge to I-44 from East 51<sup>st</sup> Street South.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 51 <sup>st</sup> Street	Primary Arterial	120 feet	6 +

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by commercial property , zoned CO/PUD 467; on the north by I-44, the south

by East 51<sup>st</sup> Street South, further south small offices zoned OL; and on the west by I-44 on and off ramp to East 51<sup>st</sup> Street South.

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

**ZONING ORDINANCE:** Ordinance number 17486 dated May 2, 1991, established zoning for the subject property.

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

**Z-6310/ PUD-467 May 1991:** All concurred in approval of a request for rezoning a 7.88± acre tract of land from OM/ OMH to CO with a Planned Unit Development for a commercial development including restaurant and retail, on property located on the northwest corner of E. 51<sup>st</sup> St. and S. Pittsburgh Ave. and a part of the subject property. The PUD specifically states that outdoor advertising signs are expressly prohibited.

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

**PUD-235-C December 1991:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land to add restaurant use with accessory bar, to the west half of Building 2, to permitted uses, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253-B April 1985:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land for access/curb cut on S. Marion Ave., which was previously denied by TMAPC, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253-A November 1983:** All concurred in approval of a proposed Major Amendment to PUD on a 2.2± acre tract of land to add property to PUD and to add limited retail uses in Building 1, which was limited to office use only, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

**PUD-253 April 1981:** All concurred in approval of a proposed Planned Unit Development on a 1.3± acre tract of land for office building and convenience store, on property located at the southwest corner of E. 51<sup>st</sup> St. and S. Marion Ave.

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

**Andrew Shank**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, stated that he respectfully disagrees with staff's opinion. Mr. Shank stated that this is mixed-use in commercial development within a corridor and the underlying zoning is corridor. Mr. Shank cited the subject area uses and surroundings. Mr. Shank explained that his application is to add a commercial use, Use Unit 21. Mr. Shank further explained that he

attempted to satisfy concerns about what could come here and he clarified that he is not asking for any amendment of the Sign Code Regulations. We are adding a commercial use to a mixed-use, commercial development in a freeway sign corridor. The sign will comply with all of the development standards of Use Unit 21 and complies with the new Zoning Code. This application is consistent with the Comprehensive Plan. The Comprehensive Plan is silent regarding signage. Mr. Shank cited the definition and overview of “Town Centers” and “Areas of Growth” from the Comprehensive Plan and he cited the definition of a corridor. Mr. Shank submitted photographs (Exhibit B-1) of surrounding properties and the ODOT’s Message Board for Public Safety messages.

Mr. Shank stated that he respects staff’s opinion and this is the only time that he has ever worked with staff that he hasn’t come to an agreement. Mr. Shank further stated that he has a concern that this request is in some way unsafe. Mr. Shank stated that he is not asking to make the site bigger, closer in to the right-of-way or wider, not asking to make it taller. Mr. Shank further stated that he complies with the Sign Code to the letter. The notion that a digital outdoor advertising sign in a freeway sign corridor is somehow going to make this a safety issue he takes umbrage with. The ODOT sign is in the middle of I-44, which is the Amber Alert sign and if it is okay for ODOT and if it complies with all of the regulations set in forth for safety and lack of clutter then the City of Tulsa this application is per se safe and appropriate. Mr. Shank respectfully requested that the Planning Commission to his request as submitted.

**TMAPC COMMENTS:**

In response to Mr. Walker, Mr. Shank stated that he was surprised by staff’s recommendation for denial. Mr. Shank further stated that he met with staff and we worked together to figure out a way to meet in the middle to make this work, but this is an ideological clash.

Mr. Reeds stated that knowing that this is a major amendment to PUD-467-A and he assumes that he met with staff and knows that it is not harmonious with the original PUD and it is not consistent with Town Center vision or the Comprehensive Plan and just because it is part and parcel and would be allowed in the Sign Code it overrules. Mr. Shank stated that he doesn’t believe that it overrules. Mr. Shank further stated that the Comprehensive Plan is devoid of any support for staff’s argument, but it is consistent with Town Center use and the underlying zoning is corridor and this application trap the expressed purpose of corridor zoning and because of those reasons this is a proper application. Mr. Shank commented that he believes that there is support in the Comprehensive Plan, the Code and the physical facts of the subject property and the surrounding uses along I-44.

Mr. Covey asked Mr. Shank if his clients own the building. Mr. Shank stated that his client is a developer working in conjunction with the owner of the property. Mr. Shank stated that the sign is not for on-premise advertising, it is strictly a Use Unit 21 outdoor advertising sign.

Mr. Wilkerson cited the summary of Town Center from the Comprehensive Plan. Mr. Wilkerson stated that the proposal doesn't meet the standard exactly and one could argue that it doesn't fit in many ways. Adding an outdoor advertising use is not a pedestrian oriented incentive. Mr. Wilkerson stated this is a corridor district and there are a lot of things that are permitted, but none of them are permitted by right. Mr. Wilkerson stated that it requires a process that goes through the Planning Commission and the City Council. Mr. Wilkerson commented that the idea that just because there are other similar uses along the subject area that does allow signs by right doesn't imply that this sign should be allowed by right on this property.

Mr. Covey asked if the ODOT sign is a State Billboard in the middle of the expressway. Mr. Wilkerson stated that the Amber Alert sign is not an advertising sign and it is a State sign that didn't need City Council approval. Mr. Wilkerson stated that he doesn't believe it would be considered an outdoor advertising sign to where one would look at the space verification as done with a true outdoor advertising sign.

Mr. Reeds asked how one compares an advertising sign to an Amber Alert sign. There is a reason why that needs to stand out because we are trying to find someone. It is a distraction, because it is supposed to be a distraction and it is completely different than outdoor advertising. Mr. Reeds commented that it really bothers him that Mr. Shank tried to compare the Amber Alert signage with outdoor advertising signage.

In response to Mr. Midget, Mr. Wilkerson stated that the applicant implied that since there are other signs along the expressway that it has set a precedent, but in other cases there was straight zoning and the signage was allowed by right, which isn't the case here.

Mr. Carnes moved to deny this application.

Further discussion ensued.

Mr. Willis asked staff to clarify what they meant that by adding a sign on the subject property would undermine or somehow compromise the investment made by ODOT. Mr. Wilkerson stated that he said he wanted to be respectful to the process that ODOT went through to clean up the corridor, which included removing buildings, signs and also includes a lot of architectural detail along sound walls and new trees. Mr. Wilkerson

explained that a large part of ODOT's work was to be consistent with the Highway Beautification Act that was passed in 1972. Mr. Wilkerson stated that he only wanted to be respectful of all of the work ODOT has done and the added lack of visual clutter along the expressway. Mr. Willis stated that it appears to him that most of the sound walls are to protect the neighborhoods that are north of the highway corridor. Mr. Willis stated that the fact that the PUD has been modified several times doesn't seem like a good reason not to do something else and has that been a practice of the Planning Commission or something that has changed over the years. Mr. Wilkerson stated that it is actually one of the provisions in the Zoning Code, when looking at past amendments to a PUD and there is a specific paragraph in the PUD Chapter that asks has this changed so much that it is not in harmony with the original PUD that was approved. Mr. Wilkerson further stated that in this instance he felt that it is not in harmony with the original PUD due to all of the changes over time.

In response to Ms. Millikin, Mr. Wilkerson stated that staff determined to review this request under the previous Zoning Code. This is actually a Use Unit that is no longer part of the new Zoning Code. Mr. Wilkerson explained that the old Zoning Code called it Use Unit 21, Outdoor Advertising and the new Zoning Code includes outdoor advertising as part of the sign budget. [Inaudible]

**Applicant's Rebuttal:**

Mr. Shank stated that staff mentioned the corridor development and uses available in corridor. This is in a freeway corridor and there is a list available uses. Mr. Shank stated that the pictures of other signs were not offered as a precedent. The pictures were to show that it is consistent with the subject area.

Mr. Dix seconded Mr. Carnes motion to deny.

Mr. Willis stated that this seems reasonable use to him and he can't support the motion for denial.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-4-0** (Carnes, Dix, Fretz, Millikin, Reeds, Shivel, Stirling "aye"; Covey, Midget, Walker, Willis "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the major amendment for PUD-467-A and the major amendment to a Corridor Development Plan for Z-6310-SP-6 per staff recommendation. [Items 21 and 22.]

**Legal Description for PUD-467-A/Z-6310-SP-6:**

PRT LT 1 BEG SWC TH N189.99 E57.19 NE78.58 S202.89 W134.30  
POB LESS BEG SWC LT 1 TH E134.30 N10 W134.32 S10 POB FOR RD  
BLK 1, DICKENS COMMONS RESUB L3 B1 MORLAND ADD, City of  
Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**OTHER BUSINESS**

**23. Commissioners' Comments:** None.

\*\*\*\*\*

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2717.

\*\*\*\*\*

**ADJOURN**

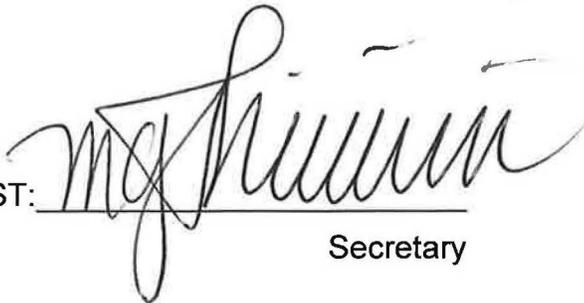
There being no further business, the Chair declared the meeting adjourned at 3:33 p.m.

Date Approved:

03-16-2016

  
Chairman

ATTEST:

  
Secretary