

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2730

Wednesday, September 21, 2016, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Fernandez	Berry, COT
Dix	Fretz	Hoyt	Ling, COT
Midget	Willis	Miller	Schultz, Martha COT
Millikin		Sawyer	VanValkenburgh, Legal
Reeds		White	
Shivel		Wilkerson	
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 15, 2016 at 03:24 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report: None

Director's Report: Ms. Miller reported on City Council items including the second reading of the River Design Overlay. Staff is continuing to work on the Zoning Code Amendments and will be presented to Planning Commission in the near future. Ms. Miller announced that this would be Nikki Whites last TMAPC meeting. Ms. White will be accepting a position as the Creek County planner.

Update on Subdivision Regulations - Kirk Bishop, Duncan Associates

Mr. Bishop reported that the Subdivision Regulations update has begun. This morning Mr. Bishop attended meeting with a few very important groups in the

Subdivision Regulation update process. The citizen group that is called Subdivision Regulation (SR) Workgroup, he then attended the City Council Urban Economic Development Committee meeting to give a status update. Then he met with the Staff Technical Team comprised of representatives from INCOG, the City of Tulsa Planning Department and others. Mr. Bishop stated he was working closely with Travis Hulse the City Project Manager and Martha Schultz as well. Mr. Bishop said that today an outline was presented to the groups to identify key issues that need to be addressed in the Subdivision Regulations update. Mr. Bishop stated that Planning Commission will be receiving a copy of this outline very soon. Mr. Bishop stated the outline report addresses process issues related to the Subdivision Regulations in an effort to reduce the number of items if possible that are required to go through the subdivision plat approval process. Mr. Bishop hopes the project will be complete by July 2017.

Mr. Covey asked Ms Miller about other updates to the Zoning Code such as Landscape Ordinance, Historic Preservation and Development Impact. Ms Miller stated the Zoning Code Amendment cleanup needs to happen before tackling these updates. Mr. Covey asked if these updates would happen one at a time. Ms. Miller stated that the update to the Landscape Ordinance has begun.

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1. **Minutes:**

Approval of the minutes of September 7, 2016 Meeting No. 2729

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to **APPROVE** the minutes of the meeting of September 7, 2016 Meeting No. 2729.

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CONSENT AGENDA

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

2. **LS-20912** (Lot-Split) (County) – Location: North of the northeast corner of West 54th Street South and South 107th West Avenue (Related to: LC-810)
3. **LC-810** (Lot-Combination) (County) – Location: North of the northeast corner of West 54th Street South and South 107th West Avenue (Related to: LS-20912)

4. **LS-20913** (Lot-Split) (County) – Location: East of the northeast corner of East 68th Street North and North 115th East Avenue
5. **LC-811** (Lot-Combination) (CD 9) – Southwest corner of East 44th Street South and South Utica Avenue
6. **LC-812** (Lot-Combination) (County) – West of the northwest corner of East 181st Street South and South 71st East Avenue
7. **Change of Access** Location: Southwest corner of East 41st Street South and South Memorial Drive, (CD 5)

This application is made to allow a change of access to add three 40 foot access points and delete one 150 foot access along East 41st Street South and change limits of no access. The property is zoned IL.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

8. **PUD-686-11 Vern L. Suess** (CD 8) Location: Southwest corner of South Quebec Avenue and East 118th Boulevard South, **PUD Minor Amendment** to reduce required side yard setback from 15 feet to 10 feet

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to reduce required side yard setback from 15 ft to 10 ft.

The applicant is requesting a reduction in the required side yard setback from 15 ft to 10 ft in order to accommodate a proposed single family residence. The residence is to be located on a lot which tappers back significantly from the front yard to the rear which restricts the width of the proposed home.

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-686 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce required side yard setback from 15 ft to 10 ft.

TMAPC Action; 8 members present:

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

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

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13. **Parkhill** Minor Subdivision Plat and Accelerated Release of Building Permit, Location: East of the southeast corner of East 51st Street South and South Lewis Avenue (CD 9) (**staff requests continuance of both applications to October 5, 2016**)

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Fretz, Willis “absent”) to **CONTINUE** the Minor Subdivision Plat and Accelerated Release of Building Permit to October 5, 2016.

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Ms. Nikita Moye presented items 9 and 10

COMPREHENSIVE PLAN PUBLIC HEARINGS:

9. **CPA-55 Jason Burks** to amend Land Use Designation from “**New Neighborhood**” to “**Mixed Use Corridor**” on approximately 1.44 acres located East of the Northeast corner of South Yale Avenue and East 32nd Street South (CD 5) (related to Z-7359)

STAFF RECOMMENDATION:

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

<p>Existing Land Use: <i>New Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i></p>
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Proposed Land Use: <i>Mixed-Use Corridor</i>
Proposed Stability and Growth designation: <i>N/A</i>
Location: <i>E of NE/c corner of S. Yale Ave. and E. 32nd St. S.</i>
Size: <i>1.44 acre</i>

A. Background

The site that is subject to this Comprehensive Plan amendment application is located in midtown Tulsa, immediately south of the Broken Arrow Expressway. The surrounding area contains a mixture of uses including residential on the south and east; and commercial/retail abuts the subject lot on the west. The applicant has submitted this proposed Comprehensive Plan amendment and a rezoning application (Z-7359) with an optional development plan to permit construction of a rock climbing gym which is classified as a Commercial/Assembly and Entertainment use under the current Zoning Code. The applicant has stated that the facility will be open 7 days a week from 10:00 A.M. till 10:00 P.M.; core traffic will be between 5:00 P.M. and 8:00 P.M. Monday through Friday. The proposed facility will offer training, kid's camps, birthday parties, corporate events, outdoor climbing excursions and other community events for the Tulsa area.

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

A *New 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 *New Neighborhood* residential building block is comprised of a plan category by the same name. It 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."

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

"The purpose of *Areas of Growth* is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips.

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

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

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

The applicant is proposing a *Mixed- Use Corridor* designation on the subject site.

“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-2	N/A	N/A	Broken Arrow Expressway
South	RD	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Residential
East	RD	<i>New Neighborhood</i>	<i>Area of Growth</i>	Vacant Lot
West	CS and CG	<i>Mixed-Use Corridor</i>	<i>Area of Growth</i>	Commercial/Retail

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 CURRENT STATE OF 32ND AND YALE

The area near 32nd and Yale also known as The Highland Park Neighborhood has set relatively dormant to new residential development for several decades now. The lot sitting at 4923 E 32nd Street has not been purchased or developed because of a few very specific reasons. Some financial and some practical. First it's western facing lot boundary (over 300 feet) sit's directly against a very active commercial parking lot with over a dozen daily active businesses and it's north facing boundary sits against the Broken Arrow Expressway. With traffic on the BA expressway having tripled over the last 20 years the noise level has also increased dramatically. In Tulsa the average percentage of a total home construction budget for a lot is around 22%. This lot is listed for \$250,000 which means any serious single residential builder with any economic

sense would need to build over a 1 million dollar home on this lot to justify the lot cost. Considering the neighborhood, the noise, the proximity to commercial development, and the area of town it is in, this is certainly not going to happen. I have spoke with several duplex developers that have said the pricing also makes it not favorable in terms of ROI for a duplex development. With these 2 options being the only options the current zoning allows for, the lot continues to sit vacant for decades now. What it has created is a haven for homeless people and other mischievous activity. I personally woke up on a homeless person sleeping in a tent buried deep in the trees 2 weeks ago. It's no surprise as it is heavily treed and with the unfenced vacant lot beside it over 2 full acres in the middle of town with no supervision. It is also an eye sore to all the businesses and residents that sit directly around it. I have spoken with many of the business owners including those at the Celebrity Club and they have expressed to me how badly they would like to see it developed. The lot makes the area feel "run down and underdeveloped" as I have heard from business owners and residents in area. I have personally met with over 30 of the neighbors and at this point the consensus has been that this gym will be the best thing for that land and the neighborhood.

THE FUTURE OF 32ND AND YALE

Our climbing gym will create community both inside the walls and in the surrounding area. Most climbers can be described as healthy, responsible, environment conscientious, hard working, and incredibly friendly people that love their dogs. In addition to bringing quality people to the area our gym will become an anchor and an identifier for the intersection of 31st and Yale. It will become an icon in Tulsa that people associate that area with instead of the strip club located at the intersection. The unique architecture and curb appeal both from the BA Expressway and 32nd will be something all Tulsans will be proud of. We will be creating a world class facility and a destination for climbers from all over the US. With a 3 million dollar investment in a 16,000 square foot climbing gym we will certainly be creating a first class facility. We will put our city on the map for the USA climbing circuit which will bring competitions to our gym thus stimulating more revenue for the city. We will be creating over 15 new jobs and more importantly meeting a need for Tulsans that no one is meeting. Our gym will be in the top 15% of largest and nicest facilities in the US of its kind. It will continue to move Tulsa forward into the future with other progressive cities such as Nashville, Albuquerque, Little Rock, and Kansas City who have realized the value of climbing gyms. In the last 2 years alone climbing gyms have gone up in over 25 cities similar in size to Tulsa. Why? Because many have said climbing gyms are the fitness gym of the future. Climbing was announced to be an Official Olympic sport just this last month which will certainly only fuel the current interest. Tulsa does not have a facility for these athletes to train or for kids to even entertain the sport as a pursuit. I believe a great city should have

something for everyone and with this facility Tulsa would be one step closer to that. In addition our current facility is packed and growing which simply shows Tulsa loves climbing. It is only 3000 square feet and located in a very rough area of town and yet attendance is increasing month by month. The current facility has been in business since 1997 and has grown every year. Since I have taken ownership this last year the facility has doubled in attendance and revenue. We have parents from Broken Arrow, Jenks, Owasso, Bixby, Claremore, and Tulsa asking us monthly when we will have more space to accommodate kids, training and birthdays. We launched kids camp this past summer for the first time and sold out every class. We then added another instructor and doubled our available spaces and sold them out in 1 day. Tulsa wants and needs this gym as bad as I do and I believe 32nd and Yale is the perfect spot. I believe 32nd and Yale is a great area to draw people to from the suburbs and this will certainly increase business for the surrounding area. We anticipate our facility to be open 7 days a week from 10AM till 10PM. Our core traffic will be between 5PM and 8PM Monday through Friday; between 9PM and 10PM there will typically be less than 10 members there. Our core customer is typically upper middle class with expendable income. Our gym will offer kids camps, birthday parties, training, climbing teams, competitions, corporate events, outdoor climbing excursions and community involvement days for the City of Tulsa.

E. Staff Summary:

To accommodate the gym/recreational facility the applicant is proposing to expand the *Mixed-Use Corridor* into an existing and planned residential neighborhood as designated by the Comprehensive Plan. The City of Tulsa Planning and Development Department has provided planning comments and considerations that are attached to the end of this staff report. The City has stated that only access for the proposed commercial site is from E 32nd St S, which is a residential street; in no instances are high levels of non-residential traffic on this portion of E 32nd St S appropriate. The proposed development will not create a significant increase in traffic along E 32nd St S or through the neighborhood as the development will be a medium intensity use with the highest levels of traffic occurring between 5:00 P.M. and 8:00 P.M. Monday through Friday. The City Planning staff has stated that the proposed land use designation/zoning on the lot will result in different uses facing each other and will likely destabilize land uses in the existing residential neighborhood. To address these concerns the concurrent rezoning application for this property will be accompanied by an optional development plan. To ensure appropriate design control and edge treatment between the project area and the established residential neighborhood the development plan will require setbacks, landscaping and screening requirements for the proposed facility to supplement those required by the Tulsa Zoning Code.

The proposed amendment will be an extension of the existing Mixed-Use Corridor west of the subject site. As stated by the Comprehensive Plan, a major goal of the surrounding area, an *Area of Growth*, is to increase economic activity in the area to benefit existing residents and businesses. The proposed development is an infill project that is likely to stimulate economic activity, job growth and a new demand for housing in the area that will benefit existing residents and businesses.

STAFF RECOMMENDATION

- Staff recommends approval of the ***Mixed-Use Corridor*** land use designation as submitted by the applicant.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Fretz, Willis “absent”) to **AMEND** the Land Use Designation from “**New Neighborhood**” to “**Mixed Use Corridor**” per staff recommendation.

BEG 300E & 50S NWC NW TH S470 E450 N TO SL RR R/W TH NW ALG R/W POB LESS BG 750E & 520S NWC NW TH W300 N 183.8 E31 N202.8 TO SL RR R/W TH SE297 S260 POB & LESS BEG 300E & 50S NWC NW TH S89.2 SE183.3 N75.1 NW187.9 POB SEC 22 19 13, City of Tulsa, Tulsa County, State of Oklahoma

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PUBLIC HEARINGS:

10. **Z-7359 Jason Burks** (CD 5) Location: East of the Northeast corner of South Yale Avenue and East 32nd Street South, requesting rezoning from **RM-2 to CG with Optional Development Plan** (Related to CPA-55)

STAFF RECOMMENDATION:

SECTION I: Z-7359

DEVELOPMENT CONCEPT:

The subject property is located at 4923 East 32nd Street South. It is currently undeveloped and zoned RS-2. The applicant is proposing to construct an indoor climbing gym on the property, which is expected to be categorized as Commercial – Assembly and Entertainment Use. This use is not permitted with the existing RS-2 zoning for the property and the applicant wishes to have the

property rezoned to Commercial General CG with an Optional Development Plan. Residential zoning exists to the east and south of the property. After meeting with neighborhood residents and INCOG staff, the applicant proposes to use the Optional Development Plan.

In order to accommodate Assembly and Entertainment uses for the undeveloped property, the property must be rezoned to CG. Certain restrictions must be established with the Optional Development Plan to lessen the impact of the development next to abutting residential areas. The plan restrictions should include limiting the use categories allowed, provide additional landscaping and screening requirements, signage limitations and building height standards. Therefore, the applicants believe that use of an Optional Development Plan in this case achieves greater public benefit than straight rezoning by allowing development of the property while lessening the impact on the abutting residential district.

SECTION II:

OPTIONAL DEVELOPMENT PLAN STANDARDS:

Use Limitations:

- A. Permitted Uses*. The subject property shall only be used for the following uses.
 - a. Public, Civic and Institutional Use Category
 - i. Day Care
 - ii. Library or Cultural Exhibit
 - iii. Natural Resource Preservation
 - iv. Parks and Recreation
 - v. Safety Service
 - vi. School
 - b. Residential Use Category, Household Living Sub Category
 - i. Townhouse
 - c. Commercial Use Category, Office Use Category
 - i. Business or professional office
 - d. Assembly and Entertainment
 - i. Small (up to 250-person capacity, as allowed by right but limited to health club, and climbing gyms). Any other Assembly and Entertainment venue will require a major amendment to the Development Plan.

*Any special exception use that could be allowed through the Board of Adjustment process in a CG District must also receive either a minor or major amendment approval to the Optional Development Plan.

Building Setbacks / Green space:

- a. The Subject Property shall maintain a 15 foot green space along the southern and eastern edge of the Subject Property in which only access driveways, perimeter fencing/ gates, landscaping (including trees, shrubs, irrigation, landscape lighting and other typical items which are a part of a landscape edge as required or permitted by the Tulsa Zoning Code) may be constructed.
- b. Buildings shall be placed further than 25 feet north of the north right-of-way of East 32nd Street South.

Lighting:

Wall mounted lighting or parking lot lighting shall be pointed down and away from all adjacent residentially zoned property. No exterior light fixture shall be further than 16 feet above the ground below the light.

Signage:

- a. All ground signs shall be a monument style and will not be illuminated from any internal or exterior source. The signs shall not exceed 8 feet in height and shall not exceed 64 square feet of display surface area.
- b. Wall signage is prohibited on any east facing wall.
- c. Wall signage is allowed on the south facing wall however the maximum display surface area shall not exceed 128 square feet and may not be illuminated from any internal or exterior source.
- d. Wall signage on the west and north may be illuminated from internal sources only. Dynamic display shall not be allowed. The maximum size of the west facing wall shall not exceed 256 square feet. The maximum size of the north facing wall sign shall not exceed 256 square feet.
- e. Off premise business signs are prohibited.

Vehicular Access and Circulation:

The access to East 32nd street shall be oriented toward the south west discouraging east bound vehicular traffic through the neighborhood.

Pedestrian Access:

Sidewalks shall be installed along the frontage of East 32nd street. Pedestrian and bicycle access from the neighborhood shall be encouraged by placing access points near the southeast end of the site.

Building Height:

Buildings shall not be taller than 45 feet as measured from the first floor elevation. Mechanical equipment on the ground shall be screened with masonry screening with the minimum height at least one foot taller than the mechanical equipment. Roof top mechanical equipment shall be screened from persons standing at ground level within three hundred feet of the abutting residential development area.

Trash Dumpsters and Enclosures:

All enclosures shall be masonry with a minimum height of not less than one foot taller than the container. The door frame shall be metal with a screening material blocking view through a minimum of 80 % of the opening. The Dumpster shall not be placed within 120 feet of the south or east property line.

DETAILED STAFF RECOMMENDATION:

Z-7350 request to zone property CG with an Optional Development Plan is consistent with the proposed Mixed-Use Corridor land use designation of the Comprehensive Plan and;

CG zoned property without additional provisions does not provide appropriate land use limitations to integrate with the surrounding residential properties on the east and south however the design standards and use limitations integrated into the Development Plan provide those standards and;

The provisions of the Optional Development Plan outlined in Section II above are consistent with the Development Plan provisions of section 70.040 of the Tulsa Zoning Code therefore;

Staff recommends Approval of Z-7359 to rezone property from RS-2 to CG with an Optional Development Plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

To accommodate the gym/recreational facility the applicant is proposing to expand the *Mixed-Use Corridor* into an existing and planned residential neighborhood as designated by the Comprehensive Plan. The City of Tulsa Planning and Development Department has provided planning comments and considerations. The City has stated that only access for the proposed commercial site is from E 32nd St S, which is a residential street; in no instances are high levels of non-residential traffic on this portion of E 32nd St S appropriate. The proposed development will not create a significant increase in traffic along E 32nd St S or through the neighborhood as the development will be a medium intensity use with the highest levels of traffic occurring between 5:00 P.M. and 8:00 P.M. Monday through Friday.

The City Planning staff has stated that the proposed land use designation/zoning on the lot will result in different uses facing each other and will likely destabilize land uses in the existing residential neighborhood. To address these concerns the concurrent rezoning application for this property will be accompanied by an optional development plan. To ensure appropriate design control and edge treatment between the project area and the established residential neighborhood the development plan will require setbacks, landscaping and screening requirements for the proposed facility to supplement those required by the Tulsa Zoning Code.

Land Use Vision:

Current Land Use Plan map designation: New Neighborhood

“The **New Neighborhood** residential building block is comprised of a plan category by the same name. It 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.”

Concurrent Land Use Plan map designation: Mixed Use Corridor (Refer to CPA-55)

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

Areas of Stability and Growth designation: Area of Growth

“The purpose of **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.”

Transportation Vision:

Major Street and Highway Plan: None that affect redevelopment of this site.

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 vacant with no evidence of any recent development. The site is gently sloping with trees.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 32 nd Street South	None	50 feet	2 without curb

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing	Existing Land	Area of	Existing Use
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	Zoning	Use Designation	Stability or Growth	
North	RS-2	N/A	N/A	Broken Arrow Expressway
East	RD	New Neighborhood	Area of Growth	Vacant Lot
South	RD	Existing Neighborhood	Area of Growth	Residential Duplex
West	CS and CG	Mixed-Use Corridor	Area of Growth	Commercial Retail

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-7323 January 2016: Staff recommended approval of a request for *rezoning* a 2± acre tract of land from RS-2/RD to RM-3, on property located east of northeast corner of S. Yale Ave. and E. 32nd St. S. and also known as a part of the subject property. It was continued multiple times before the applicant finally **withdrew** the application.

Surrounding Property:

Z-4066 February 1972: A request for *rezoning* a .59± acre tract of land from RS-2 to RM-1 on property located east of the northeast corner of E. 32nd St. and S. Yale Ave. and is abutting the subject property to the east. Staff recommended RS-3, but TMAPC recommended approval of RM-1. The City Council **approved** RD.

Mr. Dix asked Ms. Moyer if the empty lots are owned by the same person who owns the house to the east of the proposed development.

Ms. Moyer answered she was not certain of that.

Applicant stated the lot directly to the east of the proposed development is not owned by the same owners as the house. Applicant is in the process of purchasing the lot to the east and it will remain a green space.

Mr. Dix asked if the applicant was purchasing the house to the east of the vacate lot.

Applicant stated no.

Mr. Dix asked if the house was occupied.

Applicant stated yes.

Applicant stated this type of gym is good for the City of Tulsa. Most cities the size of Tulsa or smaller have climbing gyms and at the end of 2015 the applicant purchased the climbing gym here in Tulsa called New Heights with intentions to expand it. Applicant stated that the intent of a climbing gym is very community oriented and if the neighborhood doesn't like it then the applicant has failed on all levels. The size of the lot at the proposed location and the fact that it sits right off the highway was perfect. Applicant lives approximately a mile from the proposed development and understands the neighbors concerns. The applicant met with the neighbors several times, the first lasting approximately four hours and answered questions and discussed the 3D renderings of the site. Neighbors were concerned about the traffic entering and exiting the facility, the appearance of the structure, the landscaping and what type of people does this facility attract. Applicant stated that the facility would attract high quality people. Applicant stated going into the first meeting with the neighbors was interesting because some neighbors did not know what a climbing gym was and why the applicant would want to put one in this location. Applicant stated after the meeting over 80% of the people was excited about it. Applicant stated he was going to give temporary memberships to some of the neighbors because he wants people to get involved. Applicant stated there was a second meeting to address the number one concern of traffic entering and exiting through the neighborhood. Applicant stated an angled drive will be constructed to address the traffic concern by angling the traffic towards Yale Avenue.

Mr. Reeds asked applicant if there would be a loading dock.

Applicant answered there would not be any mass products.

Mr. Reeds asked applicant if there would be any outdoor climbing.

Applicant stated at the present time there would not be but it may be something that is added in the future and only on the north side of the building.

Mr. Reeds asked if applicant has considered a no left turn sign.

Applicant said yes and applicant has stated members will sign agreements saying they won't drive through the neighborhood. Members will be required to exit on to Yale Avenue.

Mr. Reeds asked if applicant would be having special events.

Applicant stated there are currently two events a year and this may go up to one event per quarter and those events are climbing competitions they are typically on Saturdays and go from 10:00 am to 5:00 pm. These are indoor events and this may fill about 80% of the parking spaces and there would not be any loud speakers or music outside.

Mr. Covey asked applicant what was typical membership for a climbing gym.

Applicant stated the peak hours are 5:30 pm to 8:30 pm. Applicant stated there is typically about 20 cars at the gym during peak hours. Applicant stated even if this doubled to 40 there was 63 parking spaces currently.

INTERESTED PARTIES:

Joe Kelly, 10035 North 177th East Avenue Owasso, OK 74055

Mr. Kelly indicated he did not wish to speak.

Mike Marzara, 8301 E 74th Place Tulsa, OK 74133

Mr. Marzara indicated he did not wish to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to **APPROVE** rezoning from RS-2 to CG with an Optional Development Plan per staff recommendations.

BEG 300E & 50S NWC NW TH S470 E450 N TO SL RR R/W TH NW ALG R/W POB LESS BG 750E & 520S NWC NW TH W300 N 183.8 E31 N202.8 TO SL RR R/W TH SE297 S260 POB & LESS BEG 300E & 50S NWC NW TH S89.2 SE183.3 N75.1 NW187.9 POB SEC 22 19 13, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

11. **LS-20914** (Lot-Split) (County) – Location: West of the northwest corner of East 181st Street South and South 71st East Avenue

Lot-Split and Waiver of Subdivision Regulations

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 September 1, 2016 and had the following comment. A Fifty foot Easement is needed along East 181st Street South.

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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to recommend **APPROVAL** of lot split LS-20914 per staff recommendation.

* * * * *

12. **71 Jackson Storage** Preliminary Subdivision Plat, Location: West of southwest corner of West 71st Street South and South Elwood Avenue (CD 2)

The plat consists of 1 Lot, 1 Block, on 3.92 acres.

The following issues were discussed September 1, 2016, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 with CS (commercial shopping) pending and Board of Adjustment case #22137 to allow mini storage use pending.
2. **Streets:** A 30 foot corner radius or equivalent clip required. Call out right of way dimension along Jackson. Use standard sidewalk language in covenant.
3. **Sewer:** Service line branching off another service line allowed in the case of same owner.
4. **Water:** An existing fire hydrant is shown in the middle of the south entrance drive that will be required to be relocated. It is recommended that this hydrant be located to the south side of the entrance drive. The fire hydrant relocation work can be done under the scope of the IDP work or under a watershed development permit.

5. **Storm Drainage:** There have been no "Drainage Easements" specifically for storm sewer identified on the preliminary plat, although called out in the Restrictive Covenants. They are dedicated to the City, however, none are shown. Floodplain: the actual existing flood plain for Hager Creek needs to be shown and plotted based upon flood elevation per fully urbanized discharges. Drainage area "B" needs to be identified for the existing flood plain, not for any future flood plain. A conceptual development plan was provided but cannot be accepted without supporting hydraulic analysis and prior Corps of Engineers approval (404 permit). Need to clearly identify floodplain easements as "Overland Drainage Easements "A" and "B", Description for the easements, ownership, maintenance, etc. need to be included in the Covenants.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Hammer head does not meet the requirements of the International Fire Code. The turn-around leg to the south needs to be 60 feet from the center of the intersection. According to scale it is only 44 feet. Any gates crossing an access road shall be swing or sliding type and have Knox access.
8. **Other: GIS:** Provide individual lot addresses. Submit control data sheet. Provide the basis of bearing angle between two known points (state bearing angle) and add Zone 3501. Remove contours from face of plat. Remove northing/easting coordinates on the face of the plat. Graphically show all lot pins found or set. Correct location map. Surveyors' CA number has expired.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

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

* * * * *

14. **Z-7352 PUD-820-A** Plat Waiver, Location: North of the northeast corner of East 4th Place and South Memorial Drive (CD 3)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from CH/PUD 820 to CS.

Staff provides the following information from TAC for their September 1, 2016 meeting:

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

STREETS: Memorial is a Primary Arterial with 60 feet of right of way required from centerline. Existing right of way is 50 feet. An additional 10 feet of right of

way dedication is required along Memorial. Sidewalks required per subdivision regulations.

SEWER: An 8 foot sanitary sewer main is in easement on property.

WATER: A 12 inch public water main line exists along the property frontage on Memorial Drive.

STORMWATER: No comment..

FIRE: No comment.

UTILITIES: No comment.

Staff can recommend **APPROVAL** of the plat waiver for the previously platted property.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X

- | | |
|---|---|
| iv. Are additional easements required? | X |
| 7. Floodplain | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. Change of Access | |
| a) Are revisions to existing access locations necessary? | X |
| 9. Is the property in a P.U.D.? | X |
| a) If yes, was plat recorded for the original P.U.D. | |
| 10. Is this a Major Amendment to a P.U.D.? | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |
| 11. Are mutual access easements needed to assure adequate access to the site? | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

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

* * * * *

Items 15 and 16 were presented together.

15. **Z-7358 Lou Reynolds** (CD 4) Location: West of South Utica Avenue, South of East 1st Street, requesting rezoning from **RM-2 to IL** (Related to Z-7358 Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: Z-7358

DEVELOPMENT CONCEPT:

The applicant has requested rezoning from Multi Family Residential to Light Industrial. The comprehensive plan for this area recognizes this corridor as an employment land use designation. The IL zoning request is consistent with that designation.

DETAILED STAFF RECOMMENDATION:

The rezoning request included in Z-7358 is consistent with the land use vision of the Tulsa Comprehensive Plan and the Pearl District 6th Street Infill Plan and;

IL zoning would provide a redevelopment opportunity that allows uses that are compatible with the existing surrounding properties and;

IL zoning is consistent with the anticipated future development of the surrounding property therefore;

Staff recommends Approval of Z-7358 to rezone property from RM-2 to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The IL zoning request is consistent with the Tulsa Comprehensive Plan and with the Pearl District 6th Street Infill plan.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

Areas of Stability and Growth designation: Area of Growth

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

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

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

Transportation Vision:

Major Street and Highway Plan: 1st Street is classified as a Commercial/CBD/Industrial Collector.

Trail System Master Plan Considerations:

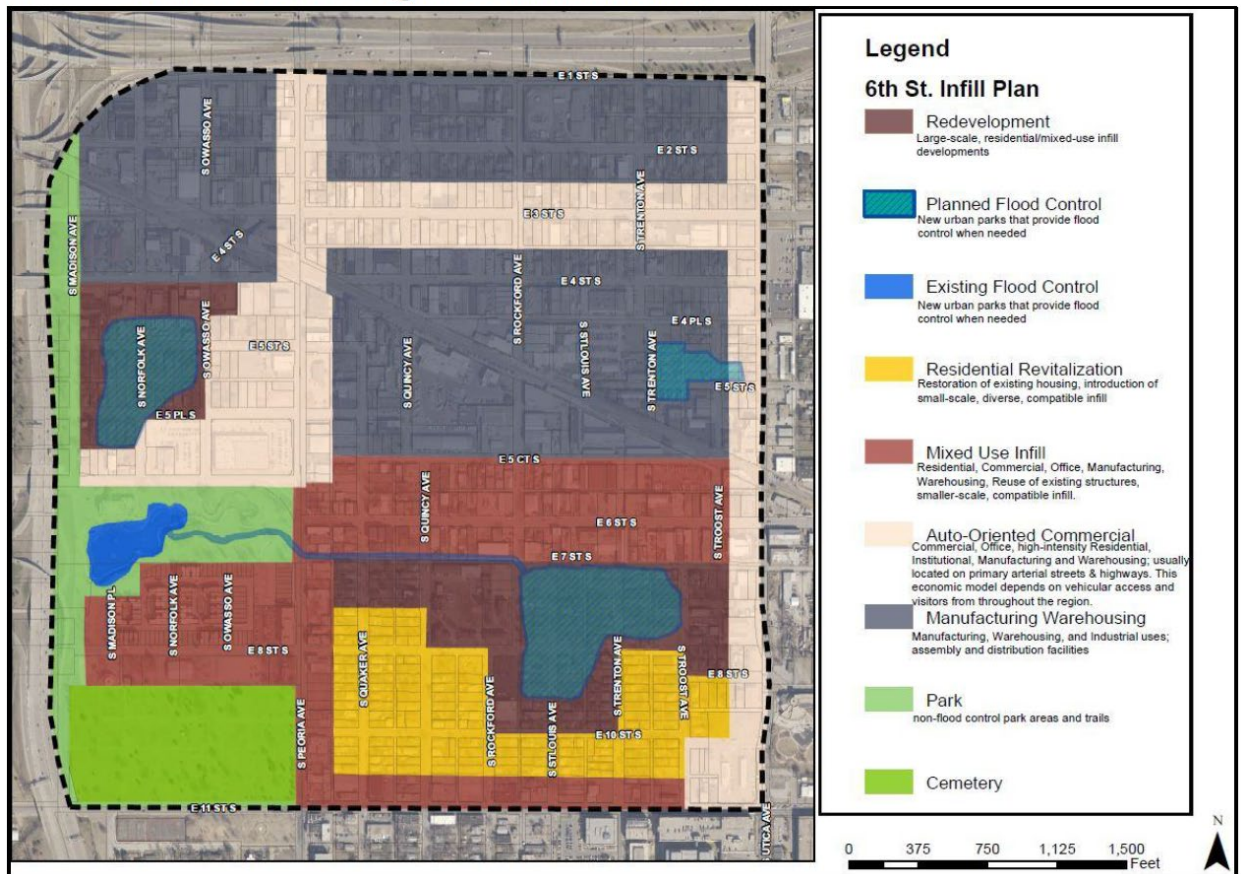
Small Area Plan: Pearl District 6th Street infill plan

The Small Area plan identifies this area as a Manufacturing Warehousing area that includes industrial uses; assembly and distribution facilities. The task force generally suggested that the standards for design and development in this area remain unchanged. Business owners would be encouraged to upgrade facilities in step with other neighborhood improvements.

One important goal of the plan is to preserve and enhance the alleys that remain for utility corridors, service entrance and waste management access. This rezoning request does not affect the existing alley on the south end of the property.

(See Pearl District 6th Street Infill Plan General Urban
Design Recommendations Map on following page)

16.2. General Urban Design Recommendations



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site was platted in the early development of Tulsa however all of those structures have been removed and the site is vacant. This strip of land is composed of several small lots that could easily be combined to create a larger light industrial development corridor that could significantly contribute to the future redevelopment of this area as anticipated in the comprehensive plan and small area plan.

Environmental Considerations: Redevelopment will uncover some remnants of the original structures however there are no known environmental considerations that would affect redevelopment of the site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 1 st Street	Commercial/CBD/Industrial Collector	80 feet.	2 lanes east bound only. On-street parking along south curb
South Trenton Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	N/A	N/A	Highway 412 MLK JR. Expressway
East	IL	Employment	Growth	Vacant or light industrial uses
South	RM-2	Employment	Growth	Vacant or single family residential
West	IL	Employment	Growth	Vacant or light industrial uses

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.

Surrounding Property:

Z-5857 October 1983: All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on Lots 4 and 7, Block 2, Midway Addition.

Z-5819 June 1983: All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on Lots 8-9, Block 2, Midway Addition.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to recommend **APPROVAL** of the rezoning from **RM-2 to IL** per staff recommendation.

Lots 1, 2, 3, 4, and the east 10 ft. of Lot 5, Block 1, and Lots 5, 6, 10, 11, and 12, Block 2, Midway Addn., an addition to the City of Tulsa, Tulsa County, State of Oklahoma

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16. **Z-7358** Plat Waiver, Location: West of South Utica Avenue, South of East 1st Street (CD 4) (Related to Z-7358)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from RM-2 to IL.

Staff provides the following information from TAC for their September 1, 2016 meeting:

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

STREETS: A 25 foot corner radius or equivalent clip required on both sides at the intersection of Trenton and 1st Street. Sidewalks are required on all streets per subdivision regulations. Existing sidewalks that are non-ADA compliant will have to be replaced. Any gaps in existing sidewalks will need to be constructed per City of Tulsa standards.

SEWER: an 8 inch sanitary sewer main access is available.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

GENERAL: Legal description of the identified properties is incorrect. Since original plat, "Midway Addition" was recorded; other lot action has taken place to

subdivide the property in question. Please update the legal description to match the site plan.

Staff can recommend **APPROVAL** of the plat waiver for the previously platted property.

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

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

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

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

- physical development of the P.U.D.?
- | | |
|---|---|
| 11. Are mutual access easements needed to assure adequate access to the site? | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

Applicant stated he intends to develop the land for business offices that have a small showroom and warehouse. Applicant stated this project is consistent with the Small Area Plans.

Mr. Midget asked Applicant if his client owns the property between Trenton Avenue and Utica Avenue.

Applicant answered yes he does.

TMAPC Action; 8 members present:

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

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17. **Z-7360 Kendall Bailli** (CD 4) Location: East of the Southeast corner of East 14th Street and South Utica Avenue, requesting rezoning from **RS-3 to OL**

STAFF RECOMMENDATION:

SECTION I: Z-7360

DEVELOPMENT CONCEPT: Rezone site with existing single family residential dwelling to allow a professional office.

DETAILED STAFF RECOMMENDATION:

The requested OL zoning is consistent with the Mixed-Use Corridor land use designation of the Comprehensive Plan and;

OL zoning at this location is consistent with the vision of the Utica Midtown Corridor Small Area Plan and;

Z-7360 is non injurious to the proximate properties and is consistent with the expected future development and;

Staff recommends Approval of Z-7360 to rezone property from RS-3 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning is consistent with the Mixed Use Corridor land use designation and is consistent with the transitional provisions outlined in the Small Area Plan.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

"The purpose of **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."

Transportation Vision:

Major Street and Highway Plan:

The Utica Midtown Corridor Small area plan section for Transportation and mobility recognizes that midtowns compact rectilinear grid, tree shaded sidewalks and neighborhood amenities allow for a less auto-dependent lifestyle than possible in most parts of Tulsa. Multiple bus routes and many stops throughout the plan area is also an asset to the neighborhood however the frequency and timing create challenges for commuters.

Surface parking expansion is a particular concern to the neighborhood.

Trail System Master Plan Considerations: None

Small Area Plan: **Utica Midtown Corridor / South**

The Vision Concepts section of the Utica Midtown Corridor small area plan identifies this site as a Medium Intensity Development area. The transitional strategies identified in the Small Area Plan include limiting the height to the adjacent properties. OL zoning limits the maximum height of a building to 35 feet and matches the maximum height allowed in the adjacent single family residential neighborhood therefore Z-7361 supports that height limitation concept identified in the plan.

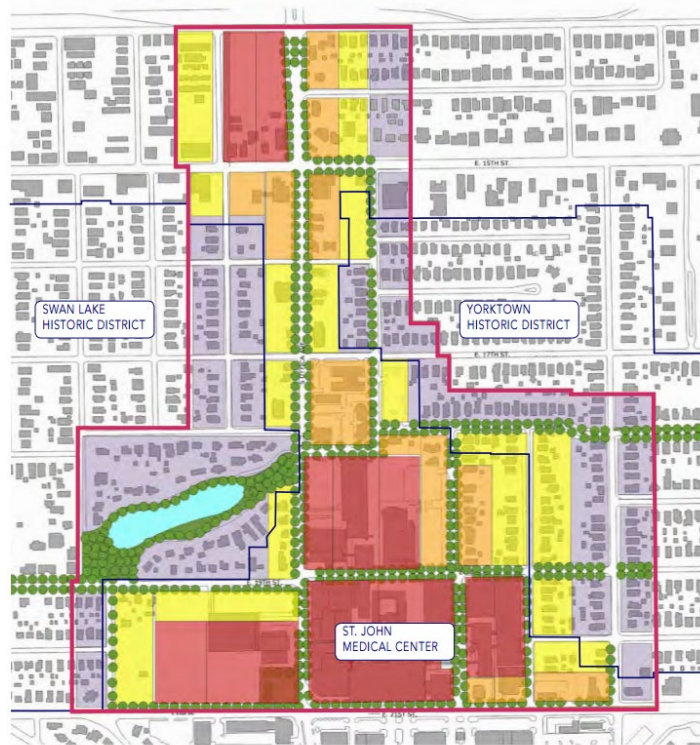


FIG. S-4.5. VISION MAP: DEVELOPMENT INTENSITY

The map shown at left illustrates the intensity of development desired by UMC-South stakeholders as expressed in the Visioning Workshop and subsequent meetings. Intensity is defined in terms of acceptable building height and development.

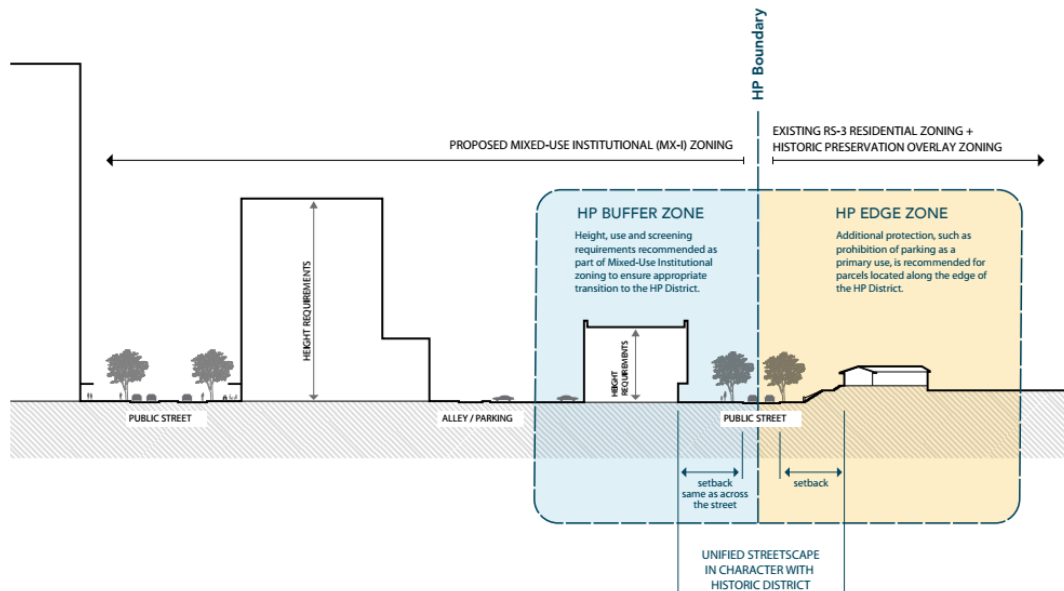
While no heights were established for the different intensity zones at the Visioning Workshop, subsequent work by AIA Eastern Oklahoma Chapter volunteers has established visual criteria for appropriate transition to the neighborhoods. (See Fig. S-5.5 on p.223 and Fig. S-5.7 on p.225).

Existing Residential
Low Intensity Mixed-Use
Medium Intensity Mixed-Use
High Intensity Mixed-Use
Historic Preservation (HP) Zoning District Boundary
Utica Midtown Corridor - South (UMC South) Small Area Plan Boundary

0 200 400 800 ft

FIG. S-5.7. ILLUSTRATION OF INSTITUTIONAL TO RESIDENTIAL TRANSITIONS

Transition between HP-zoned residential areas to institutional areas can be achieved through the regulation of building heights and the use of HP Buffer zone requirements. (See [Land Use and Regulation Recommendations](#) for details). In areas where the HP boundary bisects a public street, ensuring consistency in the design of public realm elements such as building setback, sidewalk width, location and interval of plantings can further assist in the creation of an aesthetically pleasing and walkable environment.



Special District Considerations: Z-7360 is not adjacent to the HP overlay Zoning District that was an important part of the transitional considerations included in the Small Area plan.

Historic Preservation Overlay: A historic overlay zoning district is south east of this site.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is a one story residential structure. Parking for the conversion of this home to an office should be placed in the rear of the lot to meet the small area plan concept for office expansion east of Utica. Rezoning should not constitute a hardship to allow surface parking in the front yard of this structure. The driveway is shared with a residential property east of this site. On street parking is available.



Environmental Considerations: None that would affect redevelopment of this property.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 14 th Street	Freeway service road	As needed	One way 2 lanes with on street parking.

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	Broken Arrow Expressway (RS-3) on north side	Mixed Use Corridor	Growth	Single Family Residential
East	RS-3	Existing Neighborhood	Growth	Single Family Residential

South	PUD-437 with PK and OL underlying	Mixed Use Corridor	Growth	Surface Parking Lot
West	OL	Mixed Use Corridor	Growth	Professional Office

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.

Surrounding Property:

PUD-437-A June 2016: Staff recommended approval of a proposed *Major Amendment to PUD* on a 1.39± acre tract of land for a CVS Pharmacy, on property located northeast corner of E. 15th St. and S. Utica Ave., and abutting the subject property to the south. However, TMAPC recommended for denial. It was appealed to City Council and the Council sent it back to TMAPC. TMAPC and City Council **approved** the application with revisions.

Z-7102 October 2008: All concurred in **approval** of a request for *rezoning* a 2.7± acre tract of land from RM-2/ OL to OH, for offices, on property located on the southwest corner of the Broken Arrow Expressway and South Utica Avenue.

Z-6193/PUD-437 August 1988: All concurred in **approval** of a proposed *Planned Unit Development* a 1.35± acre tract of land for uses as permitted by right in an OL district excluding drive-in banks and funeral homes and allowing 2 stories on property located on the southeast corner of East 14th Place and South Utica Avenue and also known as the subject property.

Z-6195 July 1988: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to PK on property located east of S. Utica at E. 14th Pl. north and south and abutting south of the subject property.

Z-5290 October 1979: All concurred in **approval** of a request for *rezoning* a tract of land from OL to CS to correct a mapping error, on property located north of the northeast corner of E. 15th St. and S. Utica Ave. and south of the subject property.

Z-5145 September 1978: All concurred in **approval** of a request for *rezoning* a tract of land from OL to CS, on the south 25 ft. of tract, on property located on the

southeast corner of E. 14th Pl. and S. Utica Ave. and south of the subject property.

Z-5026 July 1977: All concurred in **approval** of a request for *rezoning* a tract of land from OL to CS on property located north of the northeast corner of E. 15th St. and S. Utica Ave. and south of the subject property.

Mr. Shivel asked staff if the backside of property was going to be used as an entrance to business.

Staff answered the backside is zoned as a surface parking lot but staff believes there is no plan to use this parking lot for this business.

Michael Fairchild (representing the applicant) 1519 S Elwood Avenue, Tulsa, OK

Mr. Fairchild stated the property is a nice house that would work well for applicant's law office. Mr. Fairchild stated there wouldn't be a lot of traffic and very little disruption to the neighborhood and will provide a good noise buffer between the neighborhood and the Broken Arrow Expressway.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to recommend **APPROVAL** of the rezoning from **RS-3 to OL** per staff recommendation.

Lot 23, Block 2, TERRACE DRIVE ADDN SUB PRT B5, an addition to the City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

18. Consider adopting a resolution finding the TCB Landlord LLC Tax Incentive Project (Tulsa Club Building, 115 E. 5th Street) within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the Tulsa Comprehensive Plan

STAFF RECOMMENDATION:

Item for consideration: Resolution finding a downtown project – the Tulsa Club Building - within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.

Background: In Resolution No. 19509 published Feb. 21, 2014, the City of Tulsa established the Local Development Act Review Committee in accordance with the Local Development Act, 62 O.S. Supp. 1992, § 851 et seq. The Local

Development Act provides a significant economic development tool for local governments. Cities and Counties are able to create incentive districts to stimulate economic activity which the City of Tulsa did by the creation of Tax Incentive District No. 1 in 1993 (Amended 1997). This incentive, commonly referred to as an abatement, provides for a full or partial exemption of ad valorem taxes to the owner on the new investment made within the designated district for a period of 5 years, or 6 years (if located within an enterprise zone). Per Title 62, this incentive is not available for retail development or the retail portions of mixed use developments. Currently, the only approved area for this incentive within the City of Tulsa is properties generally located in downtown (inside the Inner Dispersal Loop). The value of the rehabilitation must be at least 50% of the current market value of the building as contained on the most recent Tulsa County assessment rolls. This incentive has been approved in the past for projects including the Mayo Hotel, Mayo 420 building, Atlas Life building, Ambassador Hotel, GreenArch (new residential), Coliseum building, Hartford Commons (new residential), Palace building, 400 S. Boston building, Hampton Inn & Suites (new hotel), the Meridia and Woodland Park Associates (new mixed-use building).

The Local Development Act requires that the Tulsa Metropolitan Area Planning Commission (TMAPC) review proposed project plans, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed project plans to the City of Tulsa. The TMAPC reviewed all of the previously mentioned projects and found them to be in conformance with the Tulsa Comprehensive Plan.

On August 25, 2016, the Local Development Act Review Committee voted to recommend to the Tulsa City Council that the Tulsa Club Building project at 115 E. 5th Street be approved and adopted. Prior to submittal to City Council, the TMAPC is asked to review the proposed project and adopt a resolution stating that the proposed project is in conformance with the adopted Tulsa Comprehensive Plan.

Summary: The proposed project is located in the *Downtown* land use designation in the Tulsa Comprehensive Plan, described as:

“Downtown Tulsa is a unique area, the centerpiece of the city and region with the highest intensity of uses. Many uses are attracted to the centralized location –government entities, major employers, regional entertainment venues, unique restaurants, specialty stores, nightclubs, cultural entertainment and hotels. Downtown is a significant employment center. Downtown also is a unique and eclectic neighborhood offering a special variety of housing for people who prefer to live in the midst of the activity and amenities.”

“Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily

high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots."

The **Tulsa Club Building** project involves the conversion of 92,022 square feet of vacant space into 79,822 square feet boutique hotel, plus 12,200 square feet of renovated commercial retail space on the 1st and 11th floors for restaurant and retail.

This project contributes to the variety of mixed use opportunities and pedestrian nature of *Downtown*, as described above. This project involves the reuse and rehabilitation of an existing underutilized building and the addition of hotel rooms downtown that will contribute to the vitality of the downtown beyond the hours of Monday-Friday 8:00 am-5:00 pm. The project supports the *Downtown* land use designation, as well as multiple goals in the Land Use, Economic Development and Housing sections of the Tulsa Comprehensive Plan and is also in conformance with the Downtown Area Master Plan.

Staff recommendation: *Staff recommends that TMAPC adopt a resolution finding the Tulsa Club Project within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.*

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to **ADOPT** the resolution finding the Tulsa Club Project within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.

* * * * *

19.Recommendation for Appeal of Moratorium on certain uses in the River Design Overlay (for the property at 2850 E. 101st Street South) as established in Ordinance No. 23384, and extended by Ordinance No. 23453, 23515 and 23544

STAFF RECOMMENDATION:

Item: Recommendation for Appeal of Moratorium on certain uses in the River Design Overlay (for the property at 2850 E. 101st Street South) as established in Ordinance No. 23384, and extended by Ordinance No. 23453, 23515 and 23544.

- A. Background:** On October 15, 2015, Tulsa City Council adopted an ordinance which declared a moratorium on certain uses on properties located within the proposed River Design Overlay. The ordinance states: *“in order that the purposes of the overlay zoning district not be frustrated, and in order to provide the additional time necessary for consideration by City Council, and to promote the public health, safety, and welfare it is necessary and advisable to extend the temporary moratorium on the acceptance of applications for, processing of, and the issuance of, building permits for buildings or structures proposed for uses which will be prohibited in areas supplementally zoned RDO-1, RDO-2 or RDO-3.”* (see **Attachment 1**)

TMAPC staff and City Legal have established a procedure by which to process such appeals. In summary, an applicant must submit the appeal at least 14 days prior to the TMAPC meeting at which the appeal will be heard; notice of this matter at TMAPC shall be by inclusion of the matter on the meeting agenda; TMAPC staff will submit a staff report to the Planning Commission for its consideration; upon consideration, the Planning Commission shall vote to: 1) recommend that the property, in whole or in part, be exempted from the Moratorium, or 2) recommend that the property not be exempted from the moratorium; the TMAPC recommendation shall be transmitted with the appeal to the City Council within 7 days from the date of the TMAPC action.

This application is the first appeal that has been submitted of this moratorium. The applicant and parcel information is as follows:

Applicant:	Heath Hardcastle, Albright, Rusher & Hardcastle
Owner:	Summit Properties, Inc.
Subject Property Address:	2850 E. 101 st Street South
Zoning District:	Commercial Shopping (CS) with a Special Exception for mini-storage facility from the Board of Adjustment
Existing self-storage facility:	68,170 square foot structure
Proposed addition:	11,600 square feet of additional self-storage use

- B. Applicant's Justification:** The applicant intends to expand the self-storage facility onto the subject tract west of the existing self-storage facility located

south of the southeast corner of E. 101st Street South and S. Delaware Avenue.

The applicant states:

“While the Moratorium has prevented Summit Properties, Inc. from receiving a permit, the structure that Storage Center wishes to build would be allowed under the River Design Overlay as it is an expansion of an existing nonconforming use that does not increase by more than 50% of the total floor area. See RDO Section 20.050-A(5)(b).”

“If an exemption from the Moratorium is not granted Storage Center will be irreparably harmed.”

“As the neighboring shopping center is under construction, efficiencies in construction of the proposed Storage Center Expansion and overflow parking for the shopping center can be achieved if the construction of all of the foregoing is done contemporaneously.”

If the construction of the Storage Center Expansion and shopping center overflow parking is delayed, these efficiencies will no longer be available to Storage Center. In addition, any delay pending the conclusion of the Moratorium will cause Storage Center to be unable to market and deliver its expanded facilities during the pendency and Storage Center will be deprived of the ability to market its expanded capacity during a prime leasing period.”

“Because the usage would be allowed under the River Design Overlay criteria, no reason exists not to grant Storage Center an exemption from the Moratorium.”

C. Staff Comment: The applicant is correct in that the River Design Overlay in the City of Tulsa Zoning Code allows for expansion of existing nonconforming uses as follows:

“Section 20.050-A(5)(b)

5. Nonconformities

b. Restoration, Replacement, Alteration and Expansion of Nonconforming Uses and Structures (other than signs)

- (1) Structures and uses that are nonconforming with regard to the RDO regulations of this section (Section 20.050) may be restored, replaced, altered or expanded, and additional structures that are nonconforming with regard to the regulations of this section (Section 20.050) may be constructed, provided that the

restoration, replacement, alteration, expansion, or additional construction does not increase by more than 50% of the total floor area or lot coverage of a nonconforming use or increase by more than 50% of the total lot coverage of nonconforming structures. Restoration, replacement, alterations, expansions, and additions allowed under this paragraph are not required to comply with the site and building design regulations of §20.050-C. For purposes of this Section 20.050-A5 “structure” does not mean “sign”. For purposes of this Section 20.050-A5, the increase in percentage of total floor area or total lot coverage is calculated using the total floor area or total lot coverage in existence on the date the structure or use became nonconforming.

- (2) An existing structure and all replacements, restorations, expansions, alterations and additions must be brought into compliance with the site and building design regulations of §20.050-C under the following circumstances:
 - (a) A nonconforming structure is proposed to be replaced, restored and expanded by more than 50%; or
 - (b) A nonconforming structure is proposed to be altered or expanded by more than 50%; or
 - (c) Additional structure(s) are proposed to be constructed resulting in a more than 50% increase in the floor area or lot coverage, as described in §20.050-A5.b(1)
- (3) For purposes of administering these restoration, replacement, alteration and expansion regulations, increases in floor area and lot coverage are calculated separately; they are not added together to determine whether the 50% threshold has been met. A complete building permit application for any restoration or replacement must be submitted within five years of the date a nonconforming building was damaged, destroyed or removed.”

Based on the above language, the applicant would have the ability to expand the existing self-storage use as proposed once the River Design Overlay is in effect on this property.

- D.** The applicant has submitted a site plan (**see Attachment 2**) and a rendering of the west elevation of the building and wall (**see Attachment 3**). Given the visual importance of this location to South Delaware Avenue and the river, it is important to ensure that the landscaping, building articulation and materials shown on the submitted site plan and rendering represent a minimum standard for development as the applicant enters the building permit process.

In addition to the applicant's request to appeal the Moratorium, the applicant will also need to submit an application to the Board of Adjustment (BOA) to modify a previously approved site plan. On March 10, 1998, in BOA Case No. 17970, a larger area including the subject site (**see Attachment 4**) received Special Exception approval for a "mini-storage" with the conditions that the exterior lighting be directed downward and away from nearby residential properties and per the site plan submitted at that meeting (**see Attachment 5**). The previous site plan approved by the BOA does not show development on this portion of the property, so a modified site plan will need to be submitted to the BOA for approval.

E. Staff Recommendation:

Staff recommends approval subject to the minimum standards for landscaping, building articulation and materials as shown on the applicants submitted site plan (**Attachment 2**) and rendering of the west elevation (**Attachment 3**).

Mr. Covey asked staff if applicant owned the empty lot to the north of the proposed site.

Staff stated there is a retail center under construction in that vacant lot, under same property ownership.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to recommend **APPROVAL** of the appeal of the Moratorium per staff recommendation.

* * * * *

20. Commissioners' Comments

Mr. Midget stated he would like to thank TMAPC commissioners and staff for their support of the passing of Mr. Midget's mother.

Mr. Covey stated congratulations to Nikki White on her new Creek County job and she will be missed.

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to **ADJOURN** TMAPC meeting 2730.

There being no further business, the Chair declared the meeting adjourned at 2:30 p.m.

Date Approved:

10-04-2016


Chairman

ATTEST:


Margaret S. Millikin Secretary