

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2738

Wednesday, January 18, 2017, 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>
Adams (Fothergill)		Foster	VanValkenburgh, Legal
Carnes		Hoyt	
Covey		Miller	
Dix		Sawyer	
Doctor		Ulmer	
Fretz		Wilkerson	
Millikin			
Reeds			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 12, 2017 at 4:12 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

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

Mr. Covey welcomed the new members of TMAPC Nick Doctor and John Fothergill who is serving in place of Vicki Adams who is ill.

#### **Worksession Report: None**

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

Ms Miller reported on TMAPC Receipts for the month of December 2016.

Ms. Miller reported on City Council's meeting agendas and actions. Ms Miller stated that this was Ryon Stirling's last meeting on TMAPC and recognized him

with a plaque. Ms. Miller reported the Landscape Ordinance timeline would be ready in 6 months to a year and Subdivision Regulations should be back to TMAPC around June 2017.

Mr. Covey thanked Mr. Stirling for his service on the TMAPC Board.

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1. **Minutes:** of January 4, 2017, Meeting No. 2737

**TMAPC Action; 11 members present:**

**Approval of the minutes of January 4, 2017 Meeting No. 2737**

On **MOTION** of **DIX**, the TMAPC voted 10-0-1 (Carnes, Covey, Doctor, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, “aye”; no “nays”; Fothergill, “abstaining”; none “absent”) to **APPROVE** the minutes of the meeting of January 4, 2017 Meeting No. 2737.

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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. **LC-827** (Lot-Combination) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-828, LC-829, LC-830, LS-20936, LS-20937, LS-20938, LS-20939)
3. **LC-828** (Lot-Combination) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-829, LC-830, LS-20936, LS-20937, LS-20938, LS-20939)
4. **LC-829** (Lot-Combination) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-830, LS-20936, LS-20937, LS-20938, LS-20939)
5. **LC-830** (Lot-Combination) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-829, LS-20936, LS-20937, LS-20938, LS-20939)
6. **LS-20936** (Lot-Split) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-829, LC-830, LS-20937, LS-20938, LS-20939)

7. **LS-20937** (Lot-Split) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-829, LC-830, LS-20936, LS-20938, LS-20939)
8. **LS-20938** (Lot-Split) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-829, LC-830, LS-20936, LS-20937, LS-20939)
9. **LS-20939** (Lot-Split) (CD 4) – Location: South of the southwest corner of West 14<sup>th</sup> Street and South Cheyenne Avenue (Related to LC-827, LC-828, LC-829, LC-830, LS-20936, LS-20937, LS-20938)
10. **LC-843** (Lot-Combination) (CD 1) – Location: South of the southwest corner of West 12<sup>th</sup> Street and South Guthrie Avenue
11. **LC-844** (Lot-Combination) (CD 2) – Location: South of the southwest corner of West 31<sup>st</sup> Street South and Southwest Boulevard
12. **LC-845** (Lot-Combination) (CD 1) – Location: South of the southwest corner of West 5<sup>th</sup> Street South and South 46<sup>th</sup> West Avenue
13. **LC-847** (Lot-Combination) (CD 4) – Location: Southwest corner of West 6<sup>th</sup> Street South and South Main Street
14. **LC-848** (Lot-Combination) (CD 7) – Location: South of the southwest corner of East 61<sup>st</sup> Street South and South 107<sup>th</sup> East Avenue (Related to LS-20955)
15. **LS-20955** (Lot-Split) (CD 7) – Location: South of the southwest corner of East 61<sup>st</sup> Street South and South 107<sup>th</sup> East Avenue (Related to LC-848)
16. **LC-849** (Lot-Combination) (CD 4) – Location: Northwest corner of South Lewis Avenue and East 5<sup>th</sup> Place South
17. **LC-850** (Lot-Combination) (CD 6) – Location: East of the northeast corner of South 129<sup>th</sup> East Avenue and East 61<sup>st</sup> Street South
18. **LC-851** (Lot-Combination) (CD 6) – Location: East of the northeast corner of South 129<sup>th</sup> East Avenue and East 61<sup>st</sup> Street South
19. **LS-20954** (Lot-Split) (CD 4) – Location: East of the northeast corner of East 27<sup>th</sup> Street and South Utica Avenue
20. **PUD-207-19 Mark Nelson** (CD 8) Location: North of the northeast corner of South Maplewood Avenue and East 98<sup>th</sup> Street South requesting PUD Minor Amendment to decrease front and side yard setback and increase allowable height

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD Development Standards to reduce the front yard setback from 20ft to 17ft 6in, to reduce the side yard setback from 10ft to 2ft and increase the allowable height from 26ft to 35ft.

The applicant is requesting the revised setbacks and height due to the addition of a wood deck as well as the shape and elevations of the lot. Mill Creek Pond is located immediately to the east of the subject lot. The reduced setback at this location would not affect a neighboring residence on this side. The residence is located on sloped terrain, which hinders the overall height measurement compared to a residence on flat terrain.

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-207 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to decrease front and side yard setback and increase allowable height.

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21. **Sheridan Crossing Phase III** (County) Final Plat, Location: North of the northeast corner of East 86<sup>th</sup> Street North and North Sheridan Road

**STAFF RECOMMENDATION:**

The plat consists of 45 Lots, 4 Blocks, on 35 acres. Staff recommends approval of the final plat.

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22. **Timber Creek** (County) Final Plat, Location: North of the northeast corner of West 121<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

The plat consists of 31 Lots, 1 Block, on 31.7 acres. Staff recommends approval of final plat

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Items 2 through 22 per staff recommendation.

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

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**PUBLIC HEARINGS:**

25. **Z-7361 Lou Reynolds** (CD 9) Location: West of the southwest corner of South Peoria Avenue and East 37<sup>th</sup> Place requesting rezoning from **RS-3** to **PK** (Continued from October 5, 2016, November 2, 2016 and December 7, 2016)

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Z-7361 to February 15, 2017 per applicants request.

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23. **Memorial Imports** (CD 7) – Minor Subdivision Plat, Location: North of the northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive (Continued from January 4, 2017)

**STAFF RECOMMENDATION:**

The plat consists of 1 Lot, 1 Block, on 10.69 acres.

The Technical Advisory Committee (TAC) met on December 15, 2016 and had the following conditions for the plat:

1. **Zoning:** The property is zoned CG with an approved Optional Development Plan (Z-7342). The conceptual site plan submitted with the plat does not currently meet the standards of the optional development plan. These issues will be resolved through the detail site plan review.
2. **Streets:** Approved as submitted.
3. **Sewer:** Approved as submitted.
4. **Water:** Approved as submitted.
5. **Storm Drainage:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Approved as submitted.
7. **Fire:** Approved as submitted.
8. **GIS:** Approved as submitted.

**Waivers of Subdivision Regulations:**

1. None requested.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivision Regulations.

**INTERESTED PARTIES COMMENTS:**

**Robert Getchell** 100 West 5<sup>th</sup> Street, Suite 1100, Tulsa, OK 74103

Mr. Getchell stated he represents OneOk Gas transmission who is the holder of the right of way that affects the northern portion of the plat. Mr. Getchell stated that OneOk doesn't object to the platting of this property but has some concerns about the site plan that OneOk has been provided. The site plan shows 27 parking spaces encroaching on OneOk's right of way and this is a 24 inch high pressure gas line that runs through the property and will be critical that OneOk maintain access to that pipeline and the pipe that lies within that right of way. Mr. Getchell stated he has spoken with the applicant's representative and has been promised cooperation to work through these issues.

Mr. Covey asked Mr. Getchell if he objected to the plat that is before the Planning Commission today.

Mr. Getchell answered everything with respect to the plat appears to be in order.

**Applicant's Comments:**

Applicant stated KKT architects has received OneOk's comments and is committed to working with them. Applicant stated this is a conceptual site plan and all items will be resolved before submitting a detail site plan.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Minor Subdivision Plat Memorial Imports per staff recommendation.

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24. **Crosstown Industrial No. 2** (CD 3) – Preliminary Plat, Location: East of the southeast corner of East Pine Street and North Garnett Road

**STAFF RECOMMENDATION:**

This plat consists of 17 Lots, 2 Blocks, on 28.71 acres.

The Technical Advisory Committee (TAC) met on October 20, 2016 and provided the following conditions:

1. **Zoning:** The property is zoned IL and RS-3. The RS-3 portion of the lot has been approved for rezoning to IL (Z-7370 approved by TMAPC 12/7/16).
2. **Streets:** Provide 5 foot wide sidewalks. Access ramps must be shown on the Final Plat. Sidewalks must be located a minimum of 18 inches from property line and 2 foot behind curb. Industrial streets are required 60 feet of right-of-way per the Subdivision Regulations; current right-of-way shown at 50 feet. Cul-de-sac radius should be 60 feet in diameter and be dedicated by separate instrument.
3. **Sewer:** 10 feet of horizontal separation between sanitary sewer and the water main line must be maintained in those areas where they parallel each other.
4. **Water:** Provide a 17.5 foot utility easement along the roadway. Provide protection over the existing 12 inch water mainline along Pine Street during construction.
5. **Storm Drainage:** The need for storm sewer easements will be greater than what was provided in the single road right of way. There is offsite drainage area from the east, per atlas sheet, which will need a system to convey storm water across the site. There will need to be a storm sewer system to convey all onsite and offsite flows to the creek. The proposed storm sewer system needs to stay on-site, or placed in an easement. The text for

overland easements in the covenants needs to remove all reference to "Public Works". Detention may be required hence a detention easement may also be required. **Floodplain:** Portions of the subject property are located within the Eagle Creek Floodplain. All delineated floodplain boundaries including City of Tulsa Regulatory Floodplain, FEMA Floodplain (Zone AE) and Zone A) and Floodway as well as base flood elevations (BFE) must be clearly and accurately identified on plans. Since a portion of the proposed development is greater than 5 acres and appears to be located within Zone A, a detailed floodplain study shall be required to determine the BFE's and floodway. Any development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11 A and Title 51 and city drainage standards. Any proposed changes to the floodplain boundaries or flood elevations will be subject to Floodplain Map Revisions.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Fire hydrants shall be installed at 1000 feet intervals along all unimproved roads and at every 500 feet if there are any improved lots on the road.
8. **Other: GIS:** Add missing subdivisions in location map. Provide individual addresses. Graphically label each lot with unique address. Remove contours on final plat submittal. Submit a subdivision control data sheet with final plat. State/provide basis of bearing between two known points. Provide bearing angle under the Basis of Bearings heading. Provide street name for plat. Add date of preparation to the plat in either lower corner. Graphically add a north arrow for the location map in the upper right-hand corner. Label all other land "unplatted" in the location map. The bearing angle on the west side of the plat does not match the written legal description. Clarify.

#### **Waivers of Subdivision Regulations:**

1. Waiver of the condition that industrial streets provide 60' of right-of-way

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. Staff recommends **DENIAL** of the requested waiver of Subdivision Regulations to permit a 50' right-of-way.

**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, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Preliminary Plat Crosstown Industrial No. 2 per staff recommendation.



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26. **Z-7367 Josh Miller** (CD 1) Location: Southwest corner of East 36<sup>th</sup> Street North and North Lewis Avenue requesting rezoning from **AG/RS-3/RMH/CS/CH** to **IM** with **optional development plan**. (Continued from December 21, 2016)

**SECTION I: Z-7367**

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

In order to lessen the perceived or potential impact of the requested IM zoning of the Subject Property on the adjacent and nearby residentially zoned or residentially used areas, the Applicant has elected to impose additional restrictions on the property by requesting the implementation of an Optional development plan as is allowed in the Tulsa Zoning Code. When the 36<sup>th</sup> Street North Small area plan was amended in 2016 general design standards were considered along Mohawk Boulevard. The optional development plan has identified design standards complementary with those concepts.

**SECTION II, OPTIONAL DEVELOPMENT PLAN STANDARDS:**

The following Use Categories, Subcategories and Specific Uses shall be allowed in conjunction with all supplemental regulations and all other zoning regulations as defined in the Tulsa Zoning Code except as further limited below:

**PERMITTED USE CATEGORIES:**

1. Public, Civic and Institutional Use Category with all subcategories and specific uses permitted in the IM zoning District (except Detention and Correctional Facilities are prohibited).
2. Commercial Use Category: Limited to the following Subcategories
  - Animal Service and all specific uses
  - Broadcast or Recording Studio
  - Commercial Service and all specific uses
  - Financial Services and all specific uses
  - Office and all specific uses, (except Plasma Centers are prohibited).
  - Parking, Non-accessory
  - Restaurants and Bars with all specific uses
  - Retail Sales with all specific uses
  - Studio, Artist or Instructional Service
  - Trade School
3. Wholesale, Distribution and Storage: All subcategories and specific uses permitted in the IM zoning district

4. Industrial: All the following Subcategories
  - Low-Impact Manufacturing and Industry with all specific uses
  - Moderate-impact Manufacturing and Industry with all specific uses

**BUILDING SETBACKS:**

The minimum Building Setback from the planned Mohawk Boulevard right of way line shall not be less than 100 feet.

**STANDARDS FOR LOTS WITH FRONTAGE ON MOHAWK BOULEVARD:**

**Screening and Landscape Standards**

The lot or lots adjacent to Mohawk Boulevard shall provide one or any combination thereof the following landscape and screening standards except where penetrated by vehicular and pedestrian circulation systems

Option 1)

Provide an earthen and landscaped berm with dimensions to be determined during the detailed site plan review process. During that process appropriate dimensions shall be determined that best provides visual screening of the adjacent residential neighbors and residential neighbors across Mohawk Boulevard. The earth berm will be encouraged to be an organic shape

Between the top of the berm and the Mohawk Boulevard pavement edge a sidewalk meeting or exceeding construction standards for the City of Tulsa engineering standards will be installed along the entire length of the zoning boundary on the north side of Mohawk.

A mix of deciduous and evergreen trees shall be placed on the lot within 20 feet of the planned street right of way along Mohawk. Those trees shall be placed at a maximum spacing of not more than 25 feet measured in any horizontal dimension and not closer than 10 feet. These trees are additional to any other landscape requirements identified in the Zoning Code.

Option 2)

Provide a masonry wall, with dimensions to be determined during the site plan review process. During that process appropriate dimensions shall be determined that best provides visual screening of the adjacent residential neighbors and neighbors across Mohawk Boulevard. Along the length of the lot or lots a minimum 10 foot wide landscape edge shall be provided between the Mohawk Right of Way and the wall.

Within the 10' edge trees shall be installed with a maximum spacing of 20 feet.

Option 3)

A combination of berms and walls may be an acceptable edge solution along the boundary along Mohawk Boulevard right of way.

#### VEHICULAR ACCESS AND CIRCULATION:

~~Lots with frontage on Mohawk Boulevard may provide ingress and egress only as defined below:~~

- ~~1. Tractor trailer / heavy truck (defined as having 18 wheels or more) and minor access (employee, visitor and small delivery service) vehicular ingress and egress points shall be prohibited on Mohawk Boulevard except as defined below:
  - ~~a. Heavy truck traffic may be allowed as long as the center line of any drive is within 600 feet of the west right-of-way line for North Lewis Avenue.~~
  - ~~b. Heavy truck traffic may be allowed as long as the center line of any drive is further than 500 feet west of the west right-of-way line of Troost Avenue where it intersects with Mohawk Boulevard~~~~
- ~~2. Any improvements regarding traffic control measures, signage and/or street conditions related to the vehicular access points referenced above on Mohawk Boulevard must be approved by the Planning Commission.~~

~~Lots with frontage on Mohawk Boulevard may provide ingress and egress only as defined below:~~

- ~~1. Tractor trailer / heavy truck access (defined as having 18 wheels or more) shall only be allowed in the following location:
  - ~~a. Center of any truck accessible drive must be further west than a point that is 525 feet west of the center of the North Troost Avenue right-of-way where it intersects with Mohawk Boulevard.~~~~
- ~~2. Minor access (employee, visitor and small delivery service) shall only be allowed in the following locations:
  - ~~a. Centerline of any minor access drive must be further east than a point that is 600 feet from the west right of way line on North Lewis.~~
  - ~~b. Centerline of any minor access drive must be further west than a point that is 150 feet west of the center of the North Troost Avenue right-of-way where it intersects with Mohawk Boulevard.~~~~
- ~~3. Access design approval: Design details that affect traffic control measures (i.e. signage, traffic calming, etc.) related to the vehicular access points referenced above must be approved by the Planning Commission prior to administrative site plan approval.~~

#### PEDESTRIAN ACCESS AND CIRCULATION:

Lots facing any public street shall provide sidewalks within the street right of way as required by various City of Tulsa codes. Any portion of the development area that is included in a reserve or common maintenance area shall construct

sidewalks as part of the initial Infrastructure Development Plan required by the plat process. All other sidewalks will be constructed during the development of any individual lot.

A paved side path or other bicycle accommodation on Mohawk Boulevard with a minimum width of 8 feet shall be provided. This may also satisfy sidewalk requirements along Mohawk Boulevard.

**SIGN STANDARDS:**

Signage shall conform to all City of Tulsa Sign standards defined in the Tulsa Zoning Code except that signage on lots with frontage facing Mohawk Boulevard the following standards shall apply:

Signage on the lots within 200 feet of the Mohawk Boulevard right-of-way shall be further restricted as follows:

1. All on premise freestanding signage shall be monument style. Single pole signs are prohibited
2. On premise freestanding signage shall not exceed 16 feet in height except where the signage is located within 1450 feet of the west boundary of the development area and within 1100 feet of the east boundary of the development area.
3. Maximum display surface area shall be limited to less than 132 square feet for each sign.
4. Internally lit signs are prohibited.
5. Dynamic display signage is prohibited.
6. Wall signage on south facing walls for buildings or screening walls shall not be internally lit.

**LIGHT STANDARDS:**

Within 200 feet of the Mohawk Boulevard right-of-way the maximum height of all wall or pole mounted lighting shall not exceed 16 feet above the ground directly below the light. Where lighting is proposed further than 200 feet from said right-of-way the light may be taller than 16 feet as allowed with a photometric plan meeting the standards of the Tulsa Zoning Code. Under no circumstance will any light be permitted greater than 30 feet above the ground directly below the light. All lighting shall be pointed down and away from the boundary of the development plan.

**DETAILED STAFF RECOMMENDATION:**

The proposed IM zoning with an optional development plan is consistent with the employment land use designation of the 36<sup>th</sup> Street North Small Area Plan and with the Employment land use designation identified on the land use map in the Comprehensive plan and;

The optional development plan provides use limitations and design standards similar to the goals identified in the 36<sup>th</sup> Street North Small Area Plan so we can conclude that negative impacts to the surrounding residential areas will be mitigated by meeting or exceeding those standards and;

Staff recognizes that this optional development plan does not provide guidance or limitations for vehicular access to East 36<sup>th</sup> Street North or to North Lewis Avenue and;

Z-7367 with the optional development plan is consistent with the expected development pattern of the surrounding area therefore;

**Staff recommends approval of Z-7367 to rezone property from AG/RS-3/RMH/CS/CH to IM with the optional development plan outlined in Section II above.**

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

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

*Staff Summary: The requested IM zoning with an optional development plan is consistent with the Employment Land Use vision of the Comprehensive Plan. The portion of the development plan area identified as Park and Open Space is in a floodplain and is expected to remain undevelopable with opportunities for employees and users of this area to access these areas. The transportation vision considers East 36<sup>th</sup> Street North and North Lewis as Multi Modal Corridors. Staff anticipates that street improvements will be provided by the City of Tulsa project however we have not seen the plans and cannot make a determination that those streets will meet the expectations of a multi modal street.*

#### **Land Use Vision:**

*Land Use Plan map designation:* Employment Center, Park and Open Space

Employment Center:

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.

#### Park and Open Space:

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

#### Destination and cultural parks:

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

#### Local parks:

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and

widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

**Open space:**

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

***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:***

36<sup>th</sup> Street North and North Lewis are considered Multi Modal Corridors:

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:*

The provisions for a side path along Mohawk are consistent with the provisions of the Trail Master Plan and the small area plan.

#### 36<sup>th</sup> Street North Small Area Plan Goals and recommendations:

The small area plan was amended in August of 2016 to include this area as an opportunity for Economic Development. Some members of the Working Group acknowledged the probability for high quality jobs with potential to create secondary jobs and spur growth.

The small area plan recommends compatible growth for this Employment Center East of Dirty Butter Creek and identified several goals to help integrate this concept into this part of Tulsa.

Several goals in the small area plan are supported in the development plan and include the following concepts:

- 1) Encourage development of an industrial facility that incorporates shielded lighting and minimizes light pollution and
- 2) Build a berm to provide visual and noise screening, preserve mature trees where possible, do not place ingress and egress points to the industrial site, and place parking areas rather than buildings nearer to Mohawk Boulevard.
- 3) Careful placement of ingress and egress points on Mohawk Boulevard. Driveway placement should provide connectivity for employees and trucks to and from Peoria, Lewis and multiple highway connections but should avoid the established neighborhood to the south. Internal circulation and



driveway access should bypass or otherwise obviate the need for employee and truck transit through the neighborhood.

- 4) A side path or other bicycle accommodations on Mohawk Boulevard consistent with the Bicycle and Pedestrian Master Plan.

Special District Considerations: None

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is undeveloped gently sloping toward the north east toward Dirty Butter Creek. Evidence of dumping and oil field activity has been recently cleaned and some residential homes have recently been removed. The site appears to be ready for an industrial redevelopment opportunity.*

Environmental Considerations: The west edge of the property is adjacent to the Dirty Butter Creek floodplain. Site development along that edge will be affected by the location and elevation of the 100 year flood event. Special attention to the creek side development will be integral to the engineering solutions that are presented. After recent site cleanup operations there are no known environmental considerations that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 36 <sup>th</sup> Street North	Secondary arterial with Multi modal corridor overlay	100 feet	2
North Lewis Avenue	Secondary arterial with Multi modal corridor overlay	100 feet	5
Mohawk Boulevard	Collector	60 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	AG / CS	West part is Parks & Open Space and Existing Neighborhood East part is New Neighborhood and Mixed Use Corridor	West part is Stability East part is Growth	Oil tanks and pumps and vacant residential
East	CS	Mixed Use Corridor	Growth	Undeveloped
West	AG / CH	Parks & Open Space and Employment	Stability	Floodplain and creek channel
South	AG / RS-3 / IL(PUD 449)	Existing Neighborhood and Mixed Use Corridor	Growth	Single Family Residential and Industrial and truck storage

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11809 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-10919 March 6, 1980:** The Board of Adjustment approved a Special Exception to permit a tire shop in a CS district, subject to the condition of no outside storage of materials, on property located at 2329 E. Mohawk Blvd. and also known as a part of the subject tract.

***Surrounding Property:***

**PUD-449 August 1989:** All concurred in approval of a proposed Planned Unit Development on a 7± acre tract of land for a trucking service establishment, on property located on the northwest corner of N. Lewis Ave. and E. 33<sup>rd</sup> St. N.

Ms. Millikin stated to staff this is the third time Planning Commission has heard this case and after the second hearing last month the Commission decided to continue to allow the applicant time to speak with the neighbors in the community, does the new staff report reflect those discussions.

Staff stated “yes”.

**Applicant’s Comments:**

**Josh Miller**, George Kaiser Family Foundation 7030 South Yale Avenue, Tulsa, OK

Mr. Miller stated the employment area designation is to draw career track, living wage, sustainable jobs to the community for both employment and economic stimulus. Mr. Miller stated there were 2 meetings held with the neighbors on January 10, 2017 and January 17<sup>th</sup>, 2017 and what is reflected in the current report is the agreement with the neighbors, being sensitive to their concerns of traffic and safety along Mohawk Boulevard as well as keeping the site viable for an employment area. Mr. Miller stated one of the changes is design details that affect traffic control measures (i.e. signage, traffic calming, etc.) related to the vehicular access points must be approved by the Planning Commission prior to administrative site plan approval. Mr. Miller stated the bridge over Dirty Butter Creek is deficient and not truck rated but Mr. Miller has a letter from ODOT to repair this bridge and make it 5 lanes and truck rated to encourage trucks to use 36<sup>th</sup> Street North and move traffic off Mohawk Boulevard. Mr. Miller states the neighborhood agrees with these recommendations and these changes address the neighbors concerns and keeps the site viable.

Mr. Reeds asked Mr. Miller if the landscaping had changed.

Mr. Miller stated none of the landscaping has changed.

Mr. Reeds asked Mr. Miller if another main entrance might be added once 36<sup>th</sup> Street North was finished.

Mr. Miller stated "yes".

#### **INTERESTED PARTIES COMMENTS:**

**Jon Eshelman** 6931 S 66<sup>th</sup> East Avenue Suite 100 Tulsa, OK 74133

Mr. Eshelman stated he is traffic engineering consultant for the project. Mr. Eshelman stated he was asked to review access to the site to address the neighbors concerns and traffic and safety and still understand the needs of a manufacturing use. Mr. Eshelman stated there were several routes to get to the site but trucks prefer to stay on freeways to the maximum extent possible and there is very good freeway access to this site. Mr., Eshelman stated the Peoria Avenue interchange is the most logical place for trucks to enter the west part of the site. The east part of the site has access to 36<sup>th</sup> Street North; trucks are likely to use this when coming off Highway 75 or the Gilcrease Expressway. Mr. Eshelman stated the two portions of the site would be focused in two different directions. There are two driveways in the western portion of the site one for

employees and visitors and one for trucks. Mr. Eshelman stated he did not recommend a traffic signal at Lewis and Mohawk intersection because a signal there would attract through traffic but anticipates a traffic signal would be needed at the intersection of Peoria and Mohawk Boulevard. Traffic calming needs in the future could be restricting truck traffic on Mohawk Boulevard.

Mr. Miller stated as a reminder there is 10 million dollars in vision funds to make improvements to the public infrastructure such as improvements to Mohawk Boulevard to make the street truck rated and any improvements to the public right of way.

**Charles Williams** 2103 East Mohawk Boulevard Tulsa, OK 74110

Mr. Williams stated a camera was set up in front of his house on Mohawk Boulevard after the last TMAPC meeting to show how much truck traffic is utilizing Mohawk Boulevard. Mr. Williams stated there was over 4000 images and that included cars as well as trucks. Mr. Williams stated there were the normal tractor trailer trucks but also a truck driving school using Mohawk Boulevard as their training route. There was also heavy equipment with wide loads that would take up both lanes and need an escort car. Mr. Williams stated that Mr. Miller held a meeting January 17, 2017 to discuss the proposed changes with the neighbors. All parties, applicant and neighbors are in agreement with the proposed changes.

Mr. Dix asked Mr. Williams if he had seen the letter from J. Michael Patterson Executive Director of ODOT to Mayor GT Bynum regarding the bridge on 36<sup>th</sup> Street North.

Mr. Williams stated he just received the letter but had not read it yet.

Mr. Dix stated he would like to read the letter:

Dear Mayor Bynum,

The purpose of this letter is provide assurance to the City of Tulsa that ODOT is committed to the replacement of the SH11 (East 36th Street North) over Dirty Butter Creek. This bridge is currently scheduled for replacement in 2019 with a cost estimate of \$4.4 million, and is being designed as a five lane structure which initiates the opportunity for additional capacity along SH11.

Because the bridge is classified as structurally deficient, ODOT is taking every opportunity to accelerate the replacement effort possibly to 2018. I see no reason for the project to be delayed beyond 2019.

If you or your staff has any questions or concerns feel free to contact me or our Division Engineer Randle White.

Sincerely,

J. Michael Patterson  
Executive Director

Mr. Dix stated Commissioner Doctor attended the neighborhood meeting last night and was instrumental in getting this letter. Mr. Dix asked Mr. Williams once the bridge is replaced to 5 lanes wide and truck rated to carry the truck traffic did Mr. Williams believe the traffic on Mohawk would be reduced to a safe level.

Mr. Williams answered "yes" if they put the signs up to state no truck traffic on Mohawk as proposed.

**James Johnson** 1606 East Mohawk Boulevard Tulsa OK 74106

Mr. Johnson stated he is a professional truck driver of over 30 years and has recently purchased a home on the corner of Mohawk Boulevard and Troost. Mr. Johnson stated he would like to park his truck in front of his house but because Mr. Johnson has respect for his neighbors he chooses not to do that. Mr. Johnson stated the Commissioners would not like Mr. Johnson driving his truck down their streets and tearing up the pavement of their streets. Mr. Johnson stated he just wanted everyone involved to do what is right. Mr. Johnson stated he would like to see all the truck traffic diverted to 36<sup>th</sup> Street North from Mohawk Boulevard.

Mr. Covey asked Mr. Johnson if he was against the current proposed plan.

Mr. Johnson stated he was against it but could live with it. Mr. Johnson stated he was appreciative of the jobs the applicant would bring to the neighborhood but did not want to sacrifice the safety of the neighbors.

Mr. Dix asked Mr. Johnson same question he asked Mr. Williams once the bridge is replaced to 5 lanes wide and truck rated to carry the truck traffic did Mr. Johnson believe the traffic on Mohawk would be reduced to a safe level. Mr. Johnson stated yes, could we get that done tomorrow morning that would help.

Mr. Dix stated it's in the planning stages but not shovel ready yet.

**Terry McGee** 1436 North Norfolk Avenue Tulsa OK 74106

Mr. McGee stated he would like to thank Mr. Doctor and Mr. Dix for coming to the neighborhood meeting yesterday and appreciate the Kaiser Foundation for developing the site. Mr. McGee stated at the last meeting he was adamantly opposed to this development until Mr. McGee stated after reading his PlaniTulsa report he realized what the group had discussed is exactly what was being implemented. Mr. McGee stated we need density in North Tulsa but jobs are also needed. North Tulsa also needs retail and a grocery store so Mr. McGee understands both sides of this issue.

Mr. Covey asked Mr. McGee if he was for or against this application with the proposed changes.

Mr. McGee answered he was in favor of it.

Dr. Dix stated this group of residents has been very organized with sound judgment and Mr. Dix applauds this.

**Councilor Vanessa Hall-Harper** 175 East 2<sup>nd</sup> Street, Tulsa, OK 74103  
Councilor Hall-Harper stated she would like to express her appreciation of the willingness of the neighbors, Mr. Miller and the Kaiser Foundation for coming together and working out their differences to bring positive results.

**Dr. C. Wilson** 1750 East Boulevard Tulsa, OK 74110  
Dr. Wilson stated she would like to acknowledge Mr. Dix for suggesting neighbors and Mr. Miller have a discussion. The meeting had over 50 neighbors attending that came together to voice their concerns about this project. Others in attendance were Mr. Doctor and Councilor Hill Harper. Both sides came together and support the project with the proposed changes.

Mr. Reeds stated this is coalition this is working to together to have a more diverse environment as a result of working together. Mr. Reeds supports this wholly and believes it will increase the values of the homes in the area.

Mr. Doctor stated this property in general is something that has been envisioned for a while it has great potential to do something good. Mr. Doctor would like to commend both sides for coming together to ensure it met the dual purpose of providing an economic impact and benefiting the surrounding neighborhood. Dr. Wilson and Mr. Williams were both masterful in sticking with this and to help sharpen the project to make this project as good as possible while still making sure the site was still viable. Mr. Doctor stated he had not seen a better job of organizing than this group of neighbors. Mr. Doctor stated thank you to GKFF for sticking with it and making sure the project met that purpose that you are humbly approaching the city with to provide this opportunity. Mr. Doctor stated on behalf of the Mayor's Office they are committed to working with ODOT to expedite the Bridge construction as soon as possible and doing everything possible to redirect truck traffic to 36<sup>th</sup> Street North instead of Mohawk Boulevard.

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Z-7367 per staff recommendation.

**Legal Description of Z-7367:**

A TRACT OF LAND THAT IS PART OF SECTION NINETEEN (19), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO PART OF LOT ONE (1), BLOCK TWO (2), BUTTER CREEK PARK, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO PART OF VACATED NORTH WHEELING AVENUE, AND ALSO LOTS ONE (1), TWO (2), AND THREE (3), BLOCK FOUR (4), MURRAY 2ND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE NORTHEAST CORNER OF SECTION 19; THENCE SOUTH 01°14'37" EAST ALONG THE EASTERLY LINE OF SECTION 19 FOR 450.10 FEET; THENCE SOUTH 88°45'23" WEST FOR 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MOHAWK BOULEVARD; THENCE SOUTH 60°48'41" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1228.27 FEET; THENCE NORTH 01°14'37" WEST FOR 353.93 FEET; THENCE SOUTH 88°09'14" WEST FOR 183.65 FEET; THENCE SOUTH 01°14'02" EAST FOR 449.46 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MOHAWK BOULEVARD; THENCE SOUTH 60°48'41" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 746.85 FEET; THENCE SOUTH 60°55'09" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1490.96 FEET; THENCE SOUTH 62°58'02" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1185.51 FEET; THENCE SOUTH 58°13'03" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 362.42 FEET; THENCE SOUTH 77°35'22" WEST FOR 98.09 FEET; THENCE SOUTH 88°50'22" WEST FOR 65.40 FEET; THENCE NORTH 01°10'31" WEST FOR 75.37 FEET; THENCE NORTH 66°06'56" EAST FOR 66.52 FEET; THENCE NORTH 48°35'46" EAST FOR 142.75 FEET; THENCE NORTH 29°14'40" EAST FOR 7.99 FEET; THENCE NORTH 88°09'22" EAST FOR 70.18 FEET; THENCE NORTH 01°09'41" WEST FOR 436.46 FEET; THENCE NORTH 08°26'50" EAST FOR 252.35 FEET; THENCE NORTH 88°09'14" EAST FOR 122.13 FEET; THENCE NORTH 08°25'54" EAST FOR 147.70 FEET; THENCE NORTH 56°34'06" WEST FOR 117.41 FEET; THENCE NORTH 01°11'36" WEST FOR 81.29 FEET; THENCE NORTH 08°25'54" EAST FOR 23.01 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 45°46'34", A RADIUS OF 136.87 FEET, A CHORD BEARING OF NORTH 31°19'11" EAST, A CHORD LENGTH OF 106.47 FEET, FOR AN ARC LENGTH OF 109.35 FEET; THENCE NORTH 54°12'28" EAST FOR 107.46 FEET; THENCE NORTH 35°47'32" WEST FOR 203.19 FEET TO A POINT ON THE NORTHERLY LINE OF GOVERNMENT LOT 2 OF SECTION 19; THENCE NORTH 88°09'14" EAST ALONG SAID NORTHERLY LINE FOR 147.45 FEET; THENCE NORTH 52°07'56" EAST FOR 275.09 FEET; THENCE NORTH 13°13'30" EAST FOR 255.86 FEET; THENCE NORTH 32°38'59" EAST FOR 139.23 FEET TO A POINT ON THE WESTERLY LINE OF

LOT ONE (1), BLOCK TWO (2), BUTTER CREEK PARK, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 01°13'28" WEST ALONG THE WESTERLY LINE OF SAID LOT 1 FOR 136.22 FEET; THENCE NORTH 88°09'14" EAST FOR 1099.11 FEET; THENCE NORTH 01°13'28" WEST FOR 329.84 FEET; THENCE NORTH 88°09'14" EAST FOR 110.00 FEET; THENCE NORTH 01°13'28" WEST FOR 330.00 FEET TO A POINT ON THE NORTHERLY LINE OF SECTION 19; THENCE NORTH 88°09'14" EAST ALONG SAID NORTHERLY LINE FOR 2746.42 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

\* \* \* \* \*

27. **PUD-448-A Nathan Cross** (CD 7) Location: East of the northeast corner of East 91<sup>st</sup> Street and South Memorial Drive requesting to **Abandon PUD-448-A** (Related to Z-7372)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

Refer to Z-7372 with the optional development plan which establishes the future development concept for the site.

**DETAILED STAFF RECOMMENDATION:**

Abandonment of a portion of PUD 448 (Development Area B) with a concurrent CG zoning request with an optional development plan are consistent with the Town Center land use designation of the Comprehensive Plan and;

Abandonment of a portion of PUD 448 (Development Area B) with a concurrent CG zoning request without an optional development plan is not compatible with the surrounding existing property and;

Abandonment of a portion of PUD 448 (Development Area B) with a concurrent CG rezoning request with the optional development plan as outlined in case #Z-7372 is compatible with the existing surrounding properties and;

Abandonment of a portion of PUD 448 (Development Area B) with a concurrent CG rezoning request with the optional development plan as outlined in case #Z-7372 is consistent with the expected future development and;

Abandonment of a portion of PUD 448 (Development Area B) has no impact on the remainder of the PUD therefore;



**Staff recommends abandonment of a portion of PUD 448 (Development Area B) by approving PUD 448-A, but only if the related rezoning case # Z-7372 with an optional development plan is approved.**

## **SECTION II: Supporting Documentation**

### Staff note:

The supporting documentation is outlined in Case #Z-7372. That case supports the PUD abandonment request.

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

**ZONING ORDINANCE:** Ordinance number 17174 dated June 20, 1989 (PUD-448) and 15602 dated February 11, 1983 (RM-1), established zoning for the subject property.

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

**PUD-448 May 1989:** All concurred in **approval** of a proposed *Planned Unit Development* on a 32.6+ acre tract for mixed use development, broken up into two different Development Areas. Development Area A allowed for commercial uses and Development Area B (which is the subject property) allowed for townhouse and multifamily uses, on property located on northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive and also known as a part of the subject property.

**Z-5764 February 1983:** All concurred in approval of a request for rezoning a 32± acre tract of land from AG to RM-1/ CS, on property located northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive and also known as a part of the subject property.

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

**Z-7342/ PUD-386-C August 2016:** All concurred in **approval** of a request for *rezoning* a 10± acre tract of land from RM-1/ CS/ PUD-386 to CG with an Optional Development Plan, approving all uses and customary accessory uses as allowed by right in a CS district on the entirety of subject parcels, and restricts the allowed use of a vehicle sales and service on the western 578 feet to that and a Major Amendment to Abandon PUD, on property located north of northeast corner of S. Memorial Dr. E. and E. 91<sup>st</sup> St. and abutting north of subject property.

**BOA-22072 May 24, 2016:** The Board of Adjustment **approved** the request for a *Special Exception* to permit a church use on AG zoned property (Section 25.020); *Variance* of the allowable display surface area for a wall sign on Tract 1

in the AG District from 32 square feet to 37.5 square feet; *Variance* to permit two wall signs per public entrance on Tract 2 in the AG District; *Variance* of the allowable display surface area for wall signs on Tract 2 from 32 square feet to 113.08 square feet in the AG District (Section 60.050), subject to conceptual plans 7.24, 7.25 and 7.26. The Board has found that there is a combination of two former church properties into one church property so there is no change in the usage of the land, on property located at 8555 & 8855 E. 91<sup>st</sup> St. S.

**BOA-21136 September 24, 2010:** The Board of Adjustment **approved** a *Variance* of the parking requirement for an existing church and broadcasting studio, on property located at 8835 S. Memorial Dr. and abutting north of subject property. The Board finds this property of commercial use is permitted in a Development Area A. Development Area C is limited to open space, recreational and storm water management which limits the probability of additional parking spaces. The Board also finds that the church services are principally limited to weekends, whereas, this recording studio is to be limited to Monday through Friday only. The Board finds that the parking lot will be restriped giving a total of 127 spaces which should be sufficient with the two entities operating at different times; subject to page 6.6, date July 19, 2010 enumerating the hours for the two entities.

**PUD-386-B August 2009:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7± acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**Z-5620-SP-10 November 2000:** Staff recommended denial of a request for a *Corridor Development Plan* on a 2.5± acre tract of land for a one-story office building, because it did not conform with the Corridor Chapter of zoning code, on property located east of southeast corner of E. 91<sup>st</sup> St. and S. Memorial Dr. TMAPC recommended for approval, subject to the imposition of a private roadway easement 60 feet in width along the full length of Tract B on the east side (30 feet within Tract B and 30 feet within Tract A), finding that the private street shall be developed to city standards and 26 feet in width and providing a public street if future development in Tract A requires a public collector street for adequate access to 91<sup>st</sup> Street. The City Council **approved** the application with a modification: subject to the imposition of a ~~private~~ public roadway easement 60 feet in width along the full length of Tract B on the east side, etc.

**BOA-18242 November 10, 1998:** The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan, per plan submitted, on property located at 8835 South Memorial and abutting north of subject property.

**BOA-18077 June 9, 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial and abutting north of subject property.

**Z-6508/PUD-386-A November 1995:** A request to *rezone* a 13.9 acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial and abutting north of subject property. All concurred in **approval** of a request to *rezone* the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

**Z-6022 February 1988:** All concurred in **approval** of a request for *rezoning* a 10± acre tract of land from AG to RM-1 accompanied with PUD-386, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**PUD-386 February 1988:** All concurred in **approval** of a proposed *Planned Unit Development* on a 14± acre tract of land for office use, excluding medical offices, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**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, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **ABANDON** PUD-448-A per staff recommendation.

**Legal Description of PUD-448-A:**

LT 4 BLK 1, SQUARE NINETY-ONE, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

28. **Z-7372 Nathan Cross** (CD 7) Location: East of the northeast corner of East 91<sup>st</sup> Street and South Memorial Drive requesting rezoning from **RM-1** to **CG** with optional development plan(Related to PUD-448-A)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7372**

**DEVELOPMENT CONCEPT:**

In order to lessen the impact of the rezoning on the surrounding properties, the Applicant has elected to impose additional restrictions on the Subject Parcel by requesting the implementation of an Optional Development Plan as is allowed under Section 70.040(2) of the Code.

The Applicant has chosen to propose an Optional Development Plan for the Subject Parcels to lessen the intensity of potential future development. The Subject Parcels are surrounded by a drainage area, CS zoned properties, and a shopping center with outparcel commercial space under a PUD. While the vehicle body shop use is allowed in a CS district, it is only through special exception. The Applicant is proposing to achieve the same result without the need for relief from the Code by rezoning the Subject Parcels CG but limiting the uses allowed. This allows the ancillary services of the car dealership operation being developed to the north but restricts future development to be in harmony with the surrounding properties and the development of the Town Center land use designation under the Comprehensive Plan. Because of the unique growth of Memorial Drive between 41<sup>st</sup> and 101<sup>st</sup> over the last several decades, this stretch of road has become the primary shopping center for automobiles in Tulsa. There are multiple car dealerships along Memorial Drive in this area. These dealerships have directly contributed to the growth and improvement of this area of Tulsa. As such, keeping car dealers in this area is a huge benefit to the City of Tulsa and its residents. The Applicant is being forced to move his existing Infiniti dealership to accommodate a growing business and there are no other suitable lots available along this stretch of Memorial Drive. Accordingly, rezoning the Subject Parcels to accommodate the growth of the auto dealer industry while also restricting future development on the site to a density consistent with surrounding property is in the public's best interest.

## **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

The following Use Categories, Subcategories and Specific Uses shall be allowed in conjunction with all supplemental regulations and all other zoning regulations as defined in the Tulsa Zoning Code except as further limited below:

### PERMITTED USE CATEGORIES:

1. Residential Use Category with all subcategories and specific uses permitted in the CG zoning district.
2. Public, Civic and Institutional Use Category with all subcategories and specific uses permitted in the ~~IM~~ CG zoning District (except Detention and Correctional Facilities are prohibited).
3. Commercial Use Category: Limited to the following Subcategories
  - Animal Service and all specific uses
  - Broadcast or Recording Studio
  - Commercial Service and all specific uses
  - Financial Services and all specific uses
  - Office and all specific uses, (except Plasma Centers are prohibited).
  - Parking, Non-accessory
  - Restaurants and Bars with all specific uses
  - Retail Sales with all specific uses
  - Studio, Artist or Instructional Service

Trade School  
Vehicle Sales and Service, (except Fueling Station, vehicle part  
and supply sales are prohibited)

SIGN STANDARDS:

Signage shall conform to all City of Tulsa Sign standards defined in the Tulsa Zoning Code except that the additional following standards shall apply:

Signage on any lot within the development plan shall be further restricted as follows:

7. All on premise freestanding signage shall be monument style. Single pole signs are prohibited
8. On premise freestanding signage shall not exceed 16 feet in height.
9. Maximum display surface area shall be limited to less than 200 square feet for the aggregate sign total however; the maximum size for a single sign shall not exceed 132 square feet of display surface area.
10. Internal illumination for any ground or wall signs is prohibited.
11. Dynamic display signage is prohibited.
12. Wall signage on east facing walls is prohibited.

LIGHT STANDARDS:

Within 100 feet of the east development area boundary and within 100 feet of the planned east 91<sup>st</sup> Street right-of-way, the maximum height of all wall or pole mounted lighting shall not exceed 16 feet above the ground directly below the light. Where lighting is proposed further than 100 feet from said right-of-way and boundary the light may be taller than 16 feet as allowed with a photometric plan meeting the standards of the Tulsa Zoning Code. Under no circumstance will any light be permitted greater than 30 feet above the ground directly below the light. All lighting shall be pointed down and away from the boundary of the development plan.

LANDSCAPE STANDARDS:

The existing tree canopy on the south 150 feet of the development area shall be preserved. The following requirements apply within that area only:

1. The landscape and site plan approval must illustrate the disturbed area and include an existing tree survey showing any tree over 3" caliper.
2. The approved landscape plan and site plan must illustrate tree protection details and replace any tree that is removed with two trees not less than a 2.5" caliper and with a minimum height of 12 feet.
3. In the event all trees are removed, then the entire area must be re-forested prior to receipt of a building permit with a minimum of 45 trees that have a minimum 2.5" caliper tree and 12' height.

## **DETAILED STAFF RECOMMENDATION:**

The proposed CG zoning with an optional development plan is consistent with the town center land use designation of the Tulsa Comprehensive plan and;

The optional development plan provides use limitations and design standards to help mitigate any impact on proximate single family residential properties. Staff concludes that the potential negative impacts to the surrounding residential areas will be mitigated by that plan and;

Z-7372 with the optional development plan is consistent with the expected development pattern of the surrounding area therefore;

Staff recommends approval of Z-7372 to rezone property from RM-1/PUD-448 to CG with the optional development plan outlined in Section II above.

## **SECTION III: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The proposed zoning and optional development plan requested are in conformance with the Town Center vision identified in the Comprehensive Plan. The specific use identified by the applicant may not be completely consistent with the Town Center concept however the development plan offers many other options that could be used as this town center redevelops over the long term.*

### 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 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:*

*Trail System Master Plan Considerations:* None that affect this site however; a planned trail system is anticipated immediately east and north of this site. The development of this site does not affect potential development of the planned trail system. Future office, commercial and residential uses should consider pedestrian connectivity to that system.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Undeveloped property primarily open space but wooded along the floodplain on the east side of the property.*

Environmental Considerations: None that affect site development. Wooded buffer on the east and south ends of the site should remain in place to mitigate stormwater quality and also provide a natural barrier to non commercial properties.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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East 91 <sup>st</sup> Street	Secondary Arterial	100 feet	5
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Use Designation	Land	Area Stability Growth	of or	Existing Use
North	CG with optional development plan	Town Center		Growth		TV broadcast studio, and open space. Recently approved for new car dealership.
East	AG	Town Center		Growth		Undeveloped
South	CO	Town Center		Growth		Stormwater Detention facility
West	CS/RM-1 PUD-704	Town Center		Growth		Shopping Center

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17174 dated June 20, 1989 (PUD-448) and 15602 dated February 11, 1983 (RM-1), established zoning for the subject property.

***Subject Property:***

**PUD-448 May 1989:** All concurred in **approval** of a proposed *Planned Unit Development* on a 32.6+ acre tract for mixed use development, broken up into two different Development Areas. Development Area A allowed for commercial uses and Development Area B (which is the subject property) allowed for townhouse and multifamily uses, on property located on northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive and also known as a part of the subject property.

**Z-5764 February 1983:** All concurred in approval of a request for rezoning a 32± acre tract of land from AG to RM-1/ CS, on property located northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive and also known as a part of the subject property.

***Surrounding Property:***

**Z-7342/ PUD-386-C August 2016:** All concurred in **approval** of a request for rezoning a 10± acre tract of land from RM-1/ CS/ PUD-386 to CG with an



Optional Development Plan, approving all uses and customary accessory uses as allowed by right in a CS district on the entirety of subject parcels, and restricts the allowed use of a vehicle sales and service on the western 578 feet to that and a Major Amendment to Abandon PUD, on property located north of northeast corner of S. Memorial Dr. E. and E. 91<sup>st</sup> St. and abutting north of subject property.

**BOA-22072 May 24, 2016:** The Board of Adjustment **approved** the request for a *Special Exception* to permit a church use on AG zoned property (Section 25.020); *Variance* of the allowable display surface area for a wall sign on Tract 1 in the AG District from 32 square feet to 37.5 square feet; *Variance* to permit two wall signs per public entrance on Tract 2 in the AG District; *Variance* of the allowable display surface area for wall signs on Tract 2 from 32 square feet to 113.08 square feet in the AG District (Section 60.050), subject to conceptual plans 7.24, 7.25 and 7.26. The Board has found that there is a combination of two former church properties into one church property so there is no change in the usage of the land, on property located at 8555 & 8855 E. 91<sup>st</sup> St. S.

**BOA-21136 September 24, 2010:** The Board of Adjustment **approved** a *Variance* of the parking requirement for an existing church and broadcasting studio, on property located at 8835 S. Memorial Dr. and abutting north of subject property. The Board finds this property of commercial use is permitted in a Development Area A. Development Area C is limited to open space, recreational and storm water management which limits the probability of additional parking spaces. The Board also finds that the church services are principally limited to weekends, whereas, this recording studio is to be limited to Monday through Friday only. The Board finds that the parking lot will be restriped giving a total of 127 spaces which should be sufficient with the two entities operating at different times; subject to page 6.6, date July 19, 2010 enumerating the hours for the two entities.

**PUD-386-B August 2009:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7 $\pm$  acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**Z-5620-SP-10 November 2000:** Staff recommended denial of a request for a *Corridor Development Plan* on a 2.5 $\pm$  acre tract of land for a one-story office building, because it did not conform with the Corridor Chapter of zoning code, on property located east of southeast corner of E. 91<sup>st</sup> St. and S. Memorial Dr. TMAPC recommended for approval, subject to the imposition of a private roadway easement 60 feet in width along the full length of Tract B on the east side (30 feet within Tract B and 30 feet within Tract A), finding that the private street shall be developed to city standards and 26 feet in width and providing a public street if future development In Tract A requires a public collector street for adequate access to 91<sup>st</sup> Street. The City Council **approved** the application with a

modification: subject to the imposition of a ~~private~~ public roadway easement 60 feet in width along the full length of Tract B on the east side, etc.

**BOA-18242 November 10, 1998:** The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan, per plan submitted, on property located at 8835 South Memorial and abutting north of subject property.

**BOA-18077 June 9, 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial and abutting north of subject property.

**Z-6508/PUD-386-A November 1995:** A request to *rezone* a 13.9 acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial and abutting north of subject property. All concurred in **approval** of a request to *rezone* the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

**Z-6022 February 1988:** All concurred in **approval** of a request for *rezoning* a 10± acre tract of land from AG to RM-1 accompanied with PUD-386, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**PUD-386 February 1988:** All concurred in **approval** of a proposed *Planned Unit Development* on a 14± acre tract of land for office use, excluding medical offices, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and abutting north of subject property.

**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, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Z-7372 with optional development plan per staff recommendation.

**Legal Description of Z-7372:**

LT 4 BLK 1, SQUARE NINETY-ONE, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**OTHER BUSINESS**

**29. Commissioners' Comments**

Mr. Reeds would like to thank Mr. Stirling for his service and state that he will be missed.

Mr. Dix stated to Mr. Stirling that TMAPC's loss is Holland Halls gain and Mr. Stirling will be missed.

**ADJOURN**

**TMAPC Action; 11 members present:**

On **MOTION** of DIX, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2738.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

02-01-2017

  
Chairman

ATTEST:

  
Acting Secretary