

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2749

Wednesday, July 5, 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)	Carnes	Foster	Silman, COT
Doctor	Covey	Hoyt	VanValkenburgh, Legal
Fretz	Dix	Miller	
Krug		Sawyer	
Millikin		Welden	
Reeds		Wilkerson	
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 29, 2017 at 2:59 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 Walker called the meeting to order at 1:30 p.m.

### **REPORTS:**

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

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

Ms. Miller reported on the City Council agenda and actions taken. Ms. Miller also discussed the July 19<sup>th</sup> work session agenda.

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**1. Minutes:**

**Approval of the minutes of June 21, 2017 Meeting No. 2748**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** the minutes of the meeting of June 21, 2017 Meeting No. 2748.

**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-21020** (Lot-Split) (CD 9) Location: Northeast corner of South Peoria Avenue and East 34<sup>th</sup> Street South (Related to Z-7398 and Z-7398 Plat Waiver)
3. **LS-21022** (Lot-Split) (CD 2) Location: West of the southwest corner of West 78<sup>th</sup> Street South and South Xenophon Avenue
4. **LC-916** (Lot-Combination) (CD 1) Location: Southwest corner of West 5<sup>th</sup> Street South and South 43<sup>rd</sup> West Avenue
5. **LC-917** (Lot-Combination) (CD 4) Location: North of the northeast corner of South Quaker Avenue and East 30<sup>th</sup> Street South
6. **LS-21023** (Lot-Split) (CD 4) Location: Southwest corner of South Peoria Avenue and East 21<sup>st</sup> Street South (Related to LC-918)
7. **LC-918** (Lot-Combination) (CD 4) Location: Southwest corner of South Peoria Avenue and East 21<sup>st</sup> Street South (Related to LS-21023)
8. **LS-21024** (Lot-Split) (CD 4) Location: North of the northeast corner of South Boston Avenue and East 17<sup>th</sup> Street South (Related to LC-919)
9. **LC-919** (Lot-Combination) (CD 4) Location: North of the northeast corner of South Boston Avenue and East 17<sup>th</sup> Street South (Related to LS-21024)
10. **The Cliffs of Yale** (CD 5) Final Plat, Location: East of the northeast corner of East 32<sup>nd</sup> Street South and South Yale Avenue

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** Items 2 to 10 per staff recommendation

## CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

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

### PUBLIC HEARINGS:

**11.71 Jackson** (CD 2) Preliminary Plat, Location: Southwest corner of West 71<sup>st</sup> Street South and South Jackson Avenue

### STAFF RECOMMENDATION:

This plat consists of 2 lots, 1 block on 2.512± acres.

The Technical Advisory Committee (TAC) met on June 15th, 2017 and provided the following conditions:

1. **Zoning:** The property has been approved for rezoning to CS to permit commercial uses. All lots proposed on the preliminary plat conform to the lot regulations of the CS district.
2. **Addressing:** Label each lot with assigned address on final plat.
3. **Transportation & Traffic:** No comments.
4. **Sewer:** Provide minimum 11' utility easement along west property line of proposed Lot 1.
5. **Water:** No comments.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Show only platted subdivision boundaries in the location map. Remove additional lines and label all unplatted land. Label plat location in the location map as "site" or "project location".
7. **Fire:** Provide mutual access to serve proposed lots.
8. **Stormwater, Drainage, & Floodplain:** Label and provide dimensions for drainage and detention easements. Provide text for detention easements. If offsite drainage is required, provide overland drainage easements.
9. **Airport:** Avigation notice required on the face of the plat.
10. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval.

Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

**Waivers of Subdivision Regulations:**

1. None Requested

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** the Preliminary Plat **71 Jackson** per staff recommendation.

\* \* \* \* \*

Mr. Fretz out at 1:40 pm

**12. Stonegate V** (CD 6) Preliminary Plat, Location: North and east of the intersection of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 32 lots, 2 blocks on 8.5± acres.

The Technical Advisory Committee (TAC) met on June 15, 2017 and provided the following conditions:

1. **Zoning:** The entire property is currently zoned RS-3. All proposed lots conform to the lot regulations of RS-3.
2. **Addressing:** Addresses will be assigned at final plat.
3. **Transportation & Traffic:** Ensure accurate dimensions on the east property line. Presently showed dimension in conflict with neighboring plats.
4. **Sewer:** Provide 17.5 utility easement or City of Tulsa approval for smaller easements as shown.
5. **Water:** Remove water line segment between north and south extensions along East 49<sup>th</sup> Place for better water circulation.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots on final plat. Add address caveat/disclaimer to face of plat. Provide a north arrow for the location map. Ensure only filed subdivisions are labeled in the location map and label all other property unplatted. Under the "Basis of Bearing" heading add the following after Oklahoma State Plane Coordinate System: North Zone 3501, North American Datum 1983 (NAD83).
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Provide proper easements for all proposed storm sewers. Ensure drainage plan conforms to previous subdivision drainage plans.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

**Waivers of Subdivision Regulations:**

1. None Requested

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Fretz, "absent") to **APPROVE** the Preliminary Plat **Stonegate V** per staff recommendation.

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13. **Eastside Market III** (CD 7) Preliminary Plat, Location: Northeast corner of East 71<sup>st</sup> Street South and Highway 169

**STAFF RECOMMENDATION:**

This plat consists of 2 lots, 1 block on 14.865± acres.

The Technical Advisory Committee (TAC) met on June 15, 2017 and provided the following conditions:

1. **Zoning:** The property is zoned CO (Corridor District) with an approved Planned Unit Development (PUD-601). Site plan approval has been given for the existing retail store and the newly proposed fast food restaurant to be located on Lot 2.
2. **Addressing:** No comments.
3. **Transportation & Traffic:** Provide mutual access easement for Lot 2 and provide dimensions on the face of the plat.
4. **Sewer:** Perimeter utility easements are recommended at width of 17.5'. Provide 17.5' or approval from the City of Tulsa for lesser widths.
5. **Water:** Provide a water service line easement from the 20' existing waterline easement to Lot 2 Block 1.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Label the plat location in the location map as "Site" or "Project Location". Ensure CA number is valid at time of final plat. CA number for both engineer and surveyor on preliminary plat expires June 30, 2017. Provide metes and bounds legal description for the plat. Graphically label the point of beginning (POB) and point of commencement (POC). City of Tulsa Engineering Services prefers to see the plat tied to a section corner, half-section, or quarter-section.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Clearly identify all public and private storm sewer systems and provide appropriate easements.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

**Waivers of Subdivision Regulations:**

1. None Requested

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix,

Fretz, "absent") to **APPROVE** the Preliminary Plat **Eastside Market III** per staff recommendation.

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Mr. Fretz in at 1:43 pm

**14.Z-7386 Stuart Van De Wiele** (CD 5) Location: 5154 East Skelly Drive requesting rezoning from **CG** to **CH with an optional development plan** (Returned to TMAPC from City Council)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7386**

**DEVELOPMENT CONCEPT:**

The Subject Property is located at 5154 East Skelly Drive and is currently zoned CG. On May 3, 2017, the Tulsa Metropolitan Area Planning Commission (the "TMAPC") voted 8-0-0 to recommend approval of a straight rezoning to CH. Subsequent to the original TMAPC hearing, the applicant met with both neighboring property owners and nearby residents. The applicant is presenting this Optional Development Plan for recommendation of approval by the TMAPC in order to formalize some of the more relevant design standards that were discussed at the May 3, 2017 TMAPC meeting as well as the subsequent neighborhood meeting. The Optional Development Plan is proposed to provide guidance and limitation on future development on the Subject Property and to lessen the perceived or potential impact of future development on adjacent and nearby commercial and residential areas.

The applicant plans to acquire the Subject Property to develop and construct a multi-story storage facility thereon (a conceptual rendering of which is shown below). The planned development will entail the construction of the self-storage facility featuring an enclosed climate-controlled storage building professionally designed and managed to provide clean and safe storage solutions. Use of the Subject Property as a self-storage facility is compatible not only with the existing CG zoning and the land use of the surrounding property, but also with the requested and pending CH zoning. The requested rezoning is required only to accommodate the size of the facility.

**SECTION II: Optional Development Plan Standards**

(Note: This optional development plan does not restrict any permitted uses in a CH zoning District)

A) Building Setbacks.

Building Setbacks (Southwesterly Property Line). To the extent the Subject Property is used primarily as a self-storage facility, the principal structure shall be constructed no closer than twenty feet (20') from the Southwesterly property line of the Subject Property. For purposes of clarity, the twenty foot (20') setback shall apply only to the principal structure and shall not apply to utilities, landscaping, lighting, drive aisles, parking areas, or fencing.

Other Setbacks. The remaining building setbacks shall be in accordance with the Tulsa Zoning Code.

- B) Height Limitations. The maximum building height on any principal structure used for self-storage purposes on the Subject Property shall be three (3) stories.
- C) Landscaping. To the extent the Subject Property is used primarily as a self-storage facility, the following standards shall apply in respect of landscaping:

Southwesterly Property Line. The Subject Property shall maintain not less than ten (10) trees located near or along the Southwesterly property line which shall have not less than a two inch (2") trunk diameter at the time of initial planting. The location of the trees described above shall be determined during Landscape Plan Review.

Other Landscaping Areas. The remainder of the Subject Property shall be landscaped in accordance with the Tulsa Zoning Code.

- D) HVAC Equipment. To the extent the Subject Property is used primarily as a self-storage facility, the HVAC equipment shall not be located on the roof of the principal structure.
- E) Overhead doors. To the extent the Subject Property is used primarily as a self-storage facility, overhead doors for vehicular access of any kind are prohibited along any wall facing the existing office tower adjacent to the southwest property line.

#### **DETAILED STAFF RECOMMENDATION:**

Z-7386 requesting CH zoning with is consistent with the land use vision of the comprehensive plan and,

Uses permitted by right in the CH zoning are considered non injurious to the surrounding property and,



CH zoning is primarily intended to accommodate high intensity commercial and related uses primarily in the core area of the City and encourage use of properties and existing buildings along older commercial corridors therefore,

**Staff recommends Approval of Z-7386 to rezone property from CG to CH with the provisions of the optional development plan as defined in Section II above.**

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

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: CH zoning is consistent with the multi story vision supported in the Town Center Land Use designation and is adjacent to a multi story office building. The proposed self storage facility is a service use adjacent to I-44 and is not necessarily a use that is part of a pedestrian oriented center recognized in the Town Center land use designation. The storage facility is compatible with the automobile oriented development surrounding the property.*

#### Land Use Vision:

*Land Use Plan map designation: Town Center*

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* East Skelly Drive and East 46<sup>th</sup> Street South are both Residential Collectors

*Trail System Master Plan Considerations:* East Skelly Drive and East 46<sup>th</sup> Street South are both part of the Tulsa North /South Linkage on-street trails system.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site previously contained a commercial use, however the structure has been removed. Parking area paving for the previous use remains on site as well as an existing billboard.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Skelly Drive	Residential Collector	60 Feet	2
East 46 <sup>th</sup> Street South	Residential Collector	60 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-2	N/A (I-44)	N/A (I-44)	I-44
South	OMH/SR	Town Center	Growth	Office/Church
East	CG/SR/OMH	Town Center	Growth	Bank/Church
West	RS-2/OMH	Town Center	Growth	Office/I-44

#### **SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 12926 dated August 29, 1973, established zoning for the subject property.

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

**BOA-21058 April 13, 2010:** The Board of Adjustment **accepted** a *Verification of the spacing* requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a *Verification of the spacing* requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way, on property located at 5154 E. Skelly Dr., and is also known as the subject property.

**Z-4460 August 1973:** All concurred in approval of a request for rezoning a tract of land from IR (SR) to CG, for commercial use, on property located at 5154 E. Skelly Dr., and is also known as the subject property.

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

**PUD-650-A March 2006:** Staff and TMAPC recommended denial, however City Council **approved** a proposed *Major Amendment to PUD-650*, to open E. 46<sup>th</sup> St. as a through street between Darlington Ave. and Fulton Ave., providing that the circular turnaround or cul-de-sac on E. 46<sup>th</sup> St. S. immediately west of S. Fulton Ave. shall be removed and eastbound and westbound access on E. 46<sup>th</sup> St. between S. Hudson Ave. at E. 46<sup>th</sup> St. and E. Skelly Dr shall be restored and reconfigured, using a traffic chicane as presented to the City Council and recommended by the City of Tulsa Traffic Operations Division of the public Works and Development Department, on property located at E. 46<sup>th</sup> St., between S. Darlington Ave. and S. Fulton Ave.

**Z-6814/PUD-650 October 2001:** Staff recommended denial of a request to rezone the adjacent Midtown Village property from OM, OL and SR to CS; staff also recommended denial of the accompanying PUD that proposed a retail development on the property. TMAPC and City Council **approved** the request

for the *rezoning* for CS zoning on the northwest 300' that fronts the Skelly Bypass frontage road. The OM and OL remained unchanged. TMAPC and City Council **approved** the *Planned Unit Development* subject to conditions as recommended by staff.

**Z-6382 December 1992:** All concurred in **approval** of a request for *rezoning* a 1± acre tract, from RM-1 to OM, located west of the southwest corner of E. 46<sup>th</sup> St. and S. Fulton Ave.

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

**Stuart Van De Wiele** 320 S Boston Suite 200, Tulsa, Ok 74103

Mr. Van De Wiele stated the City Council sent this item back to TMAPC after Mr. Van De Wiele met with the neighborhood that is several blocks to the south of the project at City Councilor Gilbert's request. Representatives of the Meridian Tower and a church just to the south of the project were also in attendance. Mr. Van De Wiele stated the concerns of interested properties at the TMAPC meeting in May and the concerns expressed at the neighborhood meeting in June is what the applicant is addressing in the optional development plan. Mr. Van De Wiele stated under the current CG zoning the setback is 0 feet but the applicant is agreeing to a 20 foot setback. The height of the building will be limited to 3 stories. Mr. Van De Wiele stated the entire property will be landscaped according to the Tulsa Zoning Code or in excess of the code. The west side of the project that faces the Meridan Tower the applicant has agreed to plant ten 2" caliper trees and placement would be determined during the landscape review process. Mr. Van De Wiele stated the applicant has agreed to place the HVAC units elsewhere so Meridan Tower residents would not be looking at them on the roof. Mr. Van De Wiele stated there would not be any vehicular access to the inside of the building.

Mr. Walker asked if the City Council was okay with these changes.

Mr. Van De Wiele stated the changes had not been heard by City Council yet. The item was pulled before being heard and these changes were made in regards to conversations with City Councilor Gilbert and concerned citizens.

### **INTERESTED PARTIES COMMENTS:**

**Mac Rosser** 321 South Boston Suite 500, Tulsa, OK 74103

Mr. Rosser stated he represents Wiggin Properties, the owner of the Meridan Tower office building that is adjacent to the subject property. Mr. Rosser stated at the previous TMAPC meeting several tenants from the Meridian Tower talked about what is proposed at this site and those same concerns are still present today. Mr. Rosser stated for the Commissioners information that in preparation of the City Council meeting, protest petitions have been submitted from owners of more than 50 percent of the lot area within the 300 foot notice requirement. Mr. Rosser stated his client contacted Mr. Aiken of Barrenoff Holdings to try and work

out a compromise and Mr. Aiken was not willing to make any changes to the size of the building, the height of the building or the floor area ratio. Mr. Rosser stated the first question he had was why a zoning change. The proposed use is already permitted under the current zoning and in the applicants optional development plan it states the change is to accommodate the size of the facility. Mr. Rosser stated to him it seems like the applicant is using the zoning change to get relief from the floor area requirement and building size. Mr. Rosser stated the original application was for CH zoning because of the floor area requirement and because the property has a sewer line easement that cuts across a portion of the property and the applicant doesn't want to pay to relocate it and they can't build on top of it. Mr. Rosser stated this particular lot has issues and the applicant wants relief from these issues. Mr. Rosser stated there is a process for that it's called a variance. The applicant could go to the Board of Adjustment to ask for a variance but that wasn't done because if you ask for a variance you have to show a hardship and that the variance won't impair the use of adjacent property. Mr. Rosser stated this application is spot zoning. Mr. Rosser stated there is no justification for the zoning change under the zoning code.

**Chuck Wiggin** 5801 North Broadway Extension, Oklahoma City, OK 74118

Mr. Wiggin stated he is president of Wiggin Property, the owner of Meridian Tower. Mr. Wiggin stated this area is intended to be a Town Center neighborhood according to the Comprehensive Plan. The subject project requires very little parking so it covers a large portion of the site and if you make it three stories it has a much greater impact on this neighborhood. The proposed project doesn't provide shopping, it doesn't provide services, it doesn't provide activity for the neighborhood and all of these would be consistent with a Town Center. Mr. Wiggin stated it is a very attractive building for a self storage facility it just hogs the site. Mr. Wiggin stated the Meridian Tower tenants would be looking at the west side of the subject property and with 20 foot setback that is way to close. Mr. Wiggin stated there would be 49 feet between the Meridian Tower and the subject property. Mr. Wiggin states this is a canyon and not respectful to other property owners. Mr. Wiggin states if this site were being developed for a restaurant, shopping or office use there would be parking around this building and the parking lot would provide a large setback. Mr. Wiggin stated he believes the proposed building will impact the value of his building and make it more difficult to lease space. It's not a matter of adding to the neighborhood it's a matter of a building being imposed on the site that will conflict with Mr. Wiggin's building and cause damage to the property ownership.

Mr. Van De Wiele stated the current plan is for a 30 foot setback but the optional development plan standard is 20 feet to give some lead way. Mr. Van De Wiele stated this proposed project is permitted currently whether the front part of the building is lost or not. Mr. Van De Wiele stated Mr. Wiggin is depicting this development in a way that is most impactful and shocking and the tale of woe is being exaggerated and the development standards the applicant is willing to put in place will help litigate that. This development is consistent with the

Comprehensive Plan and from a providing of services standpoint the applicant does believe they would be providing a service that is needed in this part of town.

Mr. Fretz asked how far the Meridian Tower is from the applicant's property line.

Mr. Van De Wiele answered he didn't know because the applicant did not have a survey on Meridian Tower's property side.

Mr. Reed asked if the setback was a result of building up to the sewer easement line, in terms of the shape of the building.

Mr. Van De Wiele stated "correct".

Mr. Reed asked if there was an increase in floor ratio.

Mr. Van De Wiele stated "correct".

Mr. Reed asked if there was a way to make it work with existing zoning.

Mr. Van De Wiele stated "no".

Ms. Millikin asked if the optional development plan proposed trees along the west side of the property.

Mr. Van De Wiele stated "yes", 10 trees and the trees are anticipated to be as close to the Meridian Tower as possible. Then there would be the drive around the building, sidewalks and then the buildings.

Mr. Reed asked if 2" caliper trees is what was being proposed?

Mr. Van De Wiele stated "yes" but if bigger trees are needed that isn't a problem.

Mr. Walker stated to Mr. Wilkerson, it appears the applicant is within their right and they are meeting all the requirements.

Mr. Wilkerson stated "yes", he would also like to point out that with a CG zoning designation, which is what the property is currently, there is a 0 setback. Mr. Wilkerson stated he agrees that the CH zoning allows more building to built there but the optional development plan requires that building be setback further than the current zoning.

Mr. Reeds stated when looking at the Land Use category for this area it shows this area as a Town Center. Is a storage unit part of a Town Center in the terms of use?

Mr. Wilkerson answered if you looked at the Comprehensive Plan closely you would not find any place a storage center was expressly identified as a use. Mr. Wilkerson stated in the Town Center designation for this area he believes was visualized as more of a walkable community than this will ever be. The Comprehensive Plan states as Town Center is medium scale building that includes a wide mix of retail, dining, some services, employment, apartments condominiums and townhomes that we would typically expect to see along a highway corridor. Mr. Wilkerson doesn't believe it will ever be as walkable as the Town Center intended but he believes the proposed use is an appropriate use for a Town Center.

Mr. Walker asked Mr. Wilkerson what size of tree would truly make an impact.

Mr. Wilkerson stated if you plant a smaller tree it will grow quicker and a larger tree will take longer to establish itself and start thriving. You make get an immediate impact quicker with a 4" tree but over 5 years the 2" may actually be larger than the 4" tree.

Mr. Reeds asked if there was any discussion on a mixed use zoning designation.

Mr. Wilkerson stated "no" his discussions have always been around the self storage.

Ms. Millikin stated the applicant has a right to this use on the property she thinks it's the square footage that is an issue. Ms Millikin recalls that was the driving factor the last time this application was before TMAPC. Ms. Millikin stated she didn't know if different materials could be used along the southwestern wall to help with the view. Ms. Millikin stated if it would be helpful to have an immediate impact. Ms. Millikin recommends amending the optional development plan to include 4" trees that are fast growing species.

Mr. Reeds stated his issues are similar in that the tenants of Meridian Tower will be looking at a blank wall. The materials this wall is made of is not comfortable to look at and Mr. Reeds thinks the applicant needs to be better neighbors with a more presentable elevation so that it becomes more like a courtyard with more landscaping and a more broken up elevation. Mr. Reeds stated he would not support it in its current form unless there is more landscaping and a more broken up elevation and make it more appealing to the tenants next door.

Mr. Van De Wiele stated the back wall will be landscaped with multiple tiers to soften the back wall. There will be sidewalk and green space and these trees are in addition to the landscaping requirement by code.

Mr. Reeds asked if the back wall will be broken up with more definition.

Mr. Van De Wiele answered “yes”. There will be landscaping along the back wall between the drive isle and the building in addition to the trees.

Mr. Reeds said he could see that in his head but it would have been nice if there was a rendering.

Mr. Van De Wiele stated the development plan does recite that the whole side would be landscaped to code but in addition the applicant will put the 10 trees in also.

Mr. Rosser stated the elevation that was shown was the one the applicant provided for the west wall. Mr. Rosser stated as Mr. Reeds said there is no way to make it work with what the applicant has then they shouldn't have bought the property.

Mr. Doctor asked staff what the code requires in terms of landscaping on that side of the building.

Mr. Wilkerson answered if there is no driveway or parking there is no landscaping requirement in this section so the only landscaping that would be required would be associated with the parking itself and along the street frontage.

Mr. Walker asked Mr. Wilkerson why the landscaping was omitted on that side.

Mr. Wilkerson stated there is no landscaping requirement between buildings unless there is some kind of vehicle circulation system on that side. Mr. Wilkerson stated if there is going to be layers of landscaping on this site it needs to be added to the optional development plan because even though they have been referenced by the applicant that's not a requirement.

Mr. Reeds stated but it could be made as part of the optional development plan. Mr. Reeds stated the only thing he has seen as part of the optional development plan is the 10 trees, the HVAC location some place other than the roof.

Mr. Wilkerson stated “yes” and if you wanted to reference a section of the code that requires some screening you could reference the landscape chapter that refers to S1 screening and that identifies a shrub edge.

Mr. Van De Wiele stated he could agree to any landscaping standard along the back wall but his concern with what Mr. Wilkerson is suggesting is that those standards may push that screening more to the property line instead of against the building to soften the edge of the building. Mr. Van De Wiele stated if it makes more sense to continue this application until he can get exhibits for all 4 elevations that would alleviate a lot of the commissioners concerns.



**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Covey, Dix, “absent”) to **CONTINUE** Z-7386 to July 19, 2017 for applicant to provide renderings for all sides of the building and the landscape plan.

\*\*\*\*\*

**15. Z-7393 Nathan Cross** (CD 7) Location: South of the southeast corner of South 75<sup>th</sup> East Avenue and East 61<sup>st</sup> Street requesting rezoning from **RS-3/CS** to **CG with optional development plan**. (Continued from June 21, 2017) (**Applicant requests continuance to August 2, 2017**)

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Covey, Dix, “absent”) to **CONTINUE** Z-7393 to August 2, 2017

\*\*\*\*\*

Items 16 and 17 were presented together.

**16. Z-7398 Dale Williams** (CD 9) Location: East of the northeast corner of South Peoria Avenue and East 34<sup>th</sup> Street requesting rezoning from **PK/RS-3** to **CH with optional development plan**. (Related to LS-21020 and Z-7398 Plat Waiver)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The applicant intends to construct a single family home on the eastern portion of lot 11 and construct an office building on the western portion of lot 11. Both structures will orient to the street with parking in back interior court yard. This development layout creates a buffer between the commercial uses to the west and single family to the east in a way that is consistent with the Brookside Infill plan. This development plan is consistent with aspects of the infill plan identified in the in attached Appendix O.

**Applicant’s Request for Rezoning:**

A change to CH zoning is being requested, however to meet with the guidelines outlined in the Brookside Infill Neighborhood Plan the applicant has elected to

impose additional restrictions in the Oliver Addition Lot 11 Block 1 property through an Optional Development Plan.

**DETAILED STAFF RECOMMENDATION:**

**SECTION II: Optional Development Plan Provisions**

Use Categories not listed are prohibited. Z-7398 will conform to the provisions of the Tulsa Zoning Code for development in a CH district and its supplemental regulations except as further refined below.

**Oliver Addition Lot 11 Block 1**

**A) Permitted Uses: (Use Categories, Subcategories and Specific uses as defined below)**

Residential Use

Household living

Detached House

Shall be allowed only after approval of a special exception by the Board of Adjustment. Note: No additional modification to the optional development plan will be required after approval of a special exception at the Board of Adjustment.

Townhouse

Financial Services Use Category (excludes personal credit establishment)

Lodging (Excluding campgrounds and RV parks)

Office

Business or professional office

Medical, dental or health practitioner

Parking, Non-accessory

Studio, Artist or Instructional Service

**Signage:**

- 1) Except as prohibited below, all signage shall conform to the signage standards allowed in Office Zoning Districts..
  - a. Wall signs are prohibited on the East and North side of any building.
  - b. Dynamic displays are prohibited.

**Lighting:**

- 1) All light fixtures affixed to any structure within 25 feet of the R district to the east shall be mounted at a maximum height of 12 feet or less from the ground level and shall be pointed down and away from adjacent property lines.
- 2) No pole lighting will be allowed on the east half of said Lot 11.

**Landscape and Screening:**

The east property line shall be screened with a brick column fence similar to the standards identified in the Brookside Infill plan however the details of the fence will be approved as part of the required Landscape Plan for the optional development plan or as modified in the Alternative Compliance Landscape Plan.

**Additional Design Standards:**

- 1) Maximum building height shall not exceed 45 feet.
- 2) Minimum building setbacks from the front, side and rear yards shall be 5 feet from the property line. An exception for accessory buildings in the rear yard which shall have minimum set back from the property lines of 3 feet.
- 3) Developer will include a new sidewalk along 34<sup>th</sup> Street prior to receipt of any occupancy permit to help improve walkability of the Brookside area.

**Staff recommends Approval of Z-7398 to rezone property from RS-3/PK to CH with an optional development plan.**

Z-7398 requests a zoning change on the property from PK/RS-3 to CH with an optional development plan. The request is consistent with the Main Street land use designation of the Tulsa Comprehensive Plan and,

CH zoning with the optional development plan is consistent with the anticipated development pattern identified in the Brookside Infill Plan.

CH zoning with the optional development plan standards included in Section II is considered non injurious to the proximate properties therefore,

Staff recommends **Approval** of Z-7398 to rezone property from PK/RS-3 to CH with the optional development plan standards identified in Section II.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The requested zoning with the optional development plan is consistent with the Land Use Map of the Tulsa Comprehensive plan and is also consistent with the anticipated land use development identified in the Brookside Infill Design Guidelines.*

*Land Use Plan map designation: Main Street*

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks,

storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

*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 will be affected by the zoning change

*Trail System Master Plan Considerations:* None that will be affected by the requested zoning change.

Small Area Plan: Brookside Infill Plan (Crow Creek sub area)

The Crow Creek sub area recognizes this area as part of a village marketplace. It includes service, shopping, dining, entertainment, office, professional and other trades and activities. Preserving this mixture of use, activity, pedestrian scale, and character is vital component to preserving Brookside as an urban village. Business development patterns are somewhat mixed, but area development reflects a great accommodation and commitment to the pedestrian environment. The automobile is accommodated, but there remains a great demand for additional parking during certain periods of the business day, during evenings, weekends and festival events.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is an existing surface parking lot. The site is surrounded by surface parking on the north, south, and west. The east property is residentially zoned.*

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 34 <sup>th</sup> Street	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3 and OL	Main Street	Growth	Surface Parking
East	RS-3	Existing Neighborhood	Stability	Storage / Single Family Residential
South	PK	Main Street	Growth	Surface parking
West	CH and RS-3	Main Street	Growth	Surface parking

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 19814 dated May 3, 2000 (PK); and 11823 dated June 26, 1970 (RS-3), established zoning for the subject property.

***Subject Property:***

**Z-6756 May 2000:** All concurred in **approval** of a request for *rezoning* a 14,000+ square foot tract of land from RS-3 to PK, for parking use, on property located east of northeast corner E. 34<sup>th</sup> St. S. and S. Peoria Ave., and is also known as a part of the subject property.

**BOA-18755 May 23, 2000:** The Board of Adjustment **approved** a *Variance* of the parking area setback from 50 to 30 ft. from the centerline of E. 34<sup>th</sup> St.; a *Special Exception* to delete the screening requirement on the north and west boundaries of the property, from and RS-3 district; and a *Variance* of the requirement of off-street parking areas to be separated by landscaped are not less than 5 ft. in width from the north and west boundaries, per plan, on property located east of northeast corner of E. 34<sup>th</sup> St. and S. Peoria Ave., and also known as a part of the subject property.

**BOA-18061 May 1998:** The Board of Adjustment **approved** a *special exception* to modify the off-street parking and loading requirements that were a result of a change in use from commercial to restaurant use and a *variance* to permit the required parking to be located on a lot other than the lot containing the principal use. This is a part of the subject property and was approved for off-street parking in 1954.

**BOA-2610 November 1954:** The Board of Adjustment **approved** off-street parking in an R zoned district on the part of the subject tract zoned RS-3.

***Surrounding Property:***

**Z-6436 April 1994:** All concurred in **approval** of a request for *rezoning* two separate tracts from RS-3 to PK for off-street parking, located east of the southeast corner of East 34<sup>th</sup> Street South and South Peoria Avenue and south of subject property.

**Z-6430 January 1994:** All concurred in **approval** of a request for *rezoning* from RS-3 to PK, on a lot located east of the southeast corner of East 34<sup>th</sup> Street South and South Peoria Avenue from RS-3 and south of subject property.

**BOA-12967 January 1984:** The Board of Adjustment **approved** a request for a *special exception* to permit public parking on a lot maintained and abutting the bank for employee parking. The property is abutting north of the subject property that is zoned PK.

**Applicant's Comments:**

Sara Williams 1205 East 27<sup>th</sup> Street, Tulsa. OK

Ms. Williams stated the Brookside Infill Development Plan was put into place with input from the City of Tulsa and the neighborhood and the applicant is asking for a less intensive use than the Brookside plan actually designates. Ms. Williams stated the subject property could be used as a business because it is outside of the residential area. The business could be food, beverage related or a retail store. Ms. Williams stated she is requesting to build a single family home on the east side of the subject property and maybe a second single story home or an office building on the west with off street parking according to the zoning code that would result in a far less intensive use than what is designated by the Brookside Infill Development Plan. Ms. Williams stated her and her husband are empty nesters and love the Brookside area and wish to build their home there.

Mr. Walker asked about the impact of removing the parking from that corridor.

Ms. Williams answered the home would have a garage. The two story office building would have parking behind it. Ms. Williams stated if Mr. Walker is addressing the parking for the restaurant and other businesses in the neighborhood, the lot that Ms. Williams owns had been a parking lot for the bar across the street which is no longer there. The bar, in order to get the permits had to provide more parking and the bar owners bought the lot and tore down two single family homes and built a parking lot. Urban Outfitters is currently located where the bar had been. Urban Outfitters requires less parking for retail business.

### **INTERESTED PARTIES COMMENTS:**

**Scott Dickson** 1338 East 34<sup>th</sup> Street, Tulsa, OK 74105

Mr. Dickson stated he was confused about what Mr. Wilkerson meant by immediate and the meaning of optional development plan.

Mr. Wilkerson stated the immediate plan is for a single story residence and 2 story office building and the optional development plan is design standards that are voluntary.

Mr. Dickson stated Ms. Williams stated the parking lot had been previously owned by a bar and Mr. Dickson has lived here 15 years and it's never been any houses on the subject property.

Mr. Walker stated there was a use agreement for the bar across the street to use the subject property for parking a long time ago.

Mr. Dickson stated Mr. Postier, his neighbor has lived in the neighborhood 60 years and owns two of the lots and the 44 foot building would create a wall to the adjacent properties. There will be an impact on the community because all the bars fill up the parking lots. Mr. Dickson stated that Ms. Williams came and spoke with him but didn't say anything about a second residential unit, it was a commercial building to provide a buffer for her house. Mr. Dickson stated it would turn the street into a parking lot for a year with construction crews. Mr. Dickson would ask the Commissioners to put themselves in his position it see where he is coming from.

Mr. Dickson stated the subject property provides parking for all the bars and restaurants in the area and if you take away these parking lots it will greatly affect the values of our homes, no one will want to live next to the subject property.

Dr. Dickson stated the other neighbors will be affected also and they would be here but they didn't know about the meeting.

**Ervin Postier** 1341 East 34<sup>th</sup> Street, Tulsa, OK 74105

Mr. Postier stated he liked the idea of a parking lot for a buffer rather than a 2 story building. Mr. Postier stated he could see out over the parking lot but he can't see through a building. Mr. Postier stated there will be cars displaced by removing this parking lot and the convenient place to park is 34<sup>th</sup> Street where Mr. Postiers 2 lots are located. Mr. Postier stated there will be cars parked on that street from 8am to 12pm. Mr. Postier stated the neighborhood is going to

change if this development is approved and he likes it the way it is now. Mr. Postier stated he didn't think this would help the Brookside area at all.

**T. Michael Smith** PO Box 52353, Tulsa, OK 74152

Mr. Smith stated he is the current Brookside Business Association President. Mr. Smith stated he runs Sharkys and has been a member of the association for 24 years. Mr. Smith would like to ask for a continuance of this item until after the next Brookside Business Association meeting so that Ms. Williams could come speak about the subject property. Mr. Smith stated there was only 3 weeks notice given to neighbors and businesses in the area and there was not a chance to have a meeting and there is just not enough information known about this development.

Mr. Walker asked if the applicant met with the neighborhood association.

Mr. Smith stated not with the Business Association.

**Frankie Foster** 2106 East 48<sup>th</sup> Street, Tulsa, OK 74105

Ms. Foster stated she is a Brookside business owner and owns from 3303 South Peoria to 3319 South Peoria, it is 4 businesses. Ms. Foster stated she has been before TMAPC before with the Brookside Business Association, it is a very active group and as Brookside business owners they have been held to very strict parking stipulations. Ms. Foster asked if the parking requirement was going to change as it did downtown where you can build a 10 story building with 2 parking spaces.

Mr. Walker stated to Ms. Foster that the requirement is different than downtown.

Ms. Foster stated it is her understanding that some of the parking lots are sub-contracted with other businesses to meet the parking requirement. Ms. Foster stated she does not contract with any others for her building.

Mr. Walker stated that was his understanding also, that there was a shared agreement among businesses.

**APPLICANTS REBUTTAL:**

Ms. Williams stated she called Penny Shelton with the Brookside Neighborhood Association and explained what she wanted to do on the subject properties and explained if she had any questions she could call the applicant. Ms. Williams stated she did not hear back from Ms. Shelton. Ms. Williams stated she met with Mr. Postier and he thought the applicant was building apartments because the notice said commercial residential. Ms. Williams explained what she was building and Mr. Postier asked if they could cut down the tree that falls into his yard and Ms. Williams told Mr. Postier that she would be happy to do that. Ms. Williams stated she knocked on other doors to talk with neighbors and met Mr. Dickson. Ms. Williams stated they talked about 2 hours and understands that Mr. Dickson has a different point of view. Ms. Williams stated in regards to the parking lot



behind In the Raw, that parking lot will remain a parking lot for that business. Ms. Williams stated staff urged her to speak with the businesses around the parking lot by Brookside by Day but Ms. Williams husband tried to reach someone by phone and could only get the attorneys who was not interested in improving the zoning to allow the parking. Ms. Williams stated she is member of the Brookside Business Association. Ms. Williams stated she and her husband own several buildings on Brookside and have a big interest in Brookside and that is the reason she wants to live in the area.

Mr. Walker asked Ms. Williams if she would be willing to meet with the Brookside Business Association and coming back to TMAPC at a later time.

Ms. Williams stated she would be willing but when asked no one stated they had any questions.

Ms Millikin stated it sounded like she has tried to contact everyone and answer questions and there was no interest until now in the eleventh hour her application was being delayed.

Ms. Williams stated she feels her and her husband reached out to everyone in the area.

Ms. Miller stated she would like to say something about the parking in the area. At the beginning of last year January 2016 a new code was adopted that greatly reduced the parking requirements in CH zoning designations.

Mr. Walker stated they are no parking requirement under 5000 square feet for restaurant and retail uses.

Mr. Postier stated when Ms. Williams approached him with this application. He told Ms. Williams he did not mind a house being built here but he did not want an office business.

**Michael Foster** 1029 South Cimarron Street, Catoosa, OK 74015

Mr. Foster stated he is the Manager of a business on Brookside and would like clarification on a statement about the parking being alleviated for businesses fewer than 5000 square feet.

Mr. Walker stated there are no parking requirements for restaurants, bars and retail under 5000 square feet.

Mr. Fretz asked staff if CH zoning was necessary to build a house and an office building.

Mr. Wilkerson stated staff looked at Mixed Use zoning, Residential zoning and Office zoning. CH zoning with an optional development plan was the best way to

go because there is no setback requirement and is important for the applicant to have the same benefits as property owners that have CH zoning but to have some design standards in place with an optional development plan.

**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **6-2-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Walker, “aye”; Reeds, Shivel, “nays”; none “abstaining”; Carnes, Covey, Dix, “absent”) to **APPROVE** Z-7398 rezoning from **PK/RS-3** to **CH with optional development plan** per staff recommendation.

**Legal Description for Z-7398**

Lot 11, Block 1, OLIVER’S ADDITION **AND** A part of Lot 12, Block 1, OLIVER’S ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 693, being more particularly described as follows, to-wit: BEGINNING at the Southeast corner of Lot 12, Block 1, OLIVER’S ADDITION; thence Westerly along the South line of Lot 12 a distance of 100.00 feet to a point, said point also being the Southwest corner of Lot 12; thence Northerly along the West line of Lot 12 a distance of 46.87 feet to a point; thence Easterly and parallel with the South line of Lot 12 a distance of 50.00 feet to a point; thence Northerly and parallel with the East line of Lot 12 a distance of 74.38 feet to a point; thence Easterly and parallel with the South line of Lot 12 a distance of 50.00 feet to a point on the East line of Lot 12; thence Southerly along the East line of Lot 12 a distance of 121.25 feet to the POINT OF BEGINNING.

\* \* \* \* \*

**17. Z-7398 Plat Waiver** (CD 9) Location: East of the northeast corner of South Peoria Avenue and East 34<sup>th</sup> Street (Related to Z-7398 Rezoning and LS-21020)

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (Z-7398). The property owner is requesting a rezoning from RS-3/PK to CH to permit office and residential uses in conjunction with an optional development plan.

The Technical Advisory Committee met on June 1, 2017 and the following items were determined:

1. The property was previously platted as part of the Oliver Addition plat.
2. All required right-of-way has been dedicated and is in place.
3. Utilities are all in place on the site. Existing sanitary sewer line is currently not within an easement.

Staff recommends **approval** of the plat waiver with the following conditions:

1. Approved optional development plan standards should be drafted in a recordable format and filed of record on the property with the Tulsa County Clerk.
2. Locate the existing 8" sanitary sewer line on the north property line and place it in an 11' easement.

**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **6-2-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Walker, "aye"; Reeds, Shivel, "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** Plat Waiver Z-7398 per staff recommendation

\* \* \* \* \*

Mr. Fretz out 3:07 pm  
Mr. Fretz in at 3:10 pm

Ms. Krug out at 3:10 pm  
Ms. Krug in at 3:12 pm

Items 18 and 19 were presented together

**18. Z-7399 KKT Architects, INC/Nicole Watts** (CD 4) Location: East of the northeast corner of East 4<sup>th</sup> Street and South Trenton Avenue requesting rezoning from **RM-1** to **OL** (Related to Z-7399 Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7399**

**DEVELOPMENT CONCEPT:** The applicant plans for a surface parking lot at this location to support redevelopment of property immediately west of this site. OL zoning will allow future building expansion and non accessory parking.

**DETAILED STAFF RECOMMENDATION:**

Z-7399 is a request for OL zoning which is consistent the Employment Land use designation in the comprehensive plan and,

OL zoning is consistent with the anticipated future development pattern at this area and,

OL zoning also provides some level of screening and transition adjacent to existing single family residential property and is considered non-injurious to the abutting residential property owners therefore,

**Staff recommends Approval of Z-7399 to rezone property from RM-1 to OL.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The requested OL zoning is consistent with the Tulsa Comprehensive Plan land use vision and the 6<sup>th</sup> Street Infill Plan land use recommendations.*

#### 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:* None that affect this site

*Trail System Master Plan Considerations:* None that would be affected by site development:

Small Area Plan:

6<sup>th</sup> Street Infill Plan: (Adopted January 5, 2006 and amended April 3<sup>rd</sup> 2014)

The 6<sup>th</sup> street infill recognizes the potential for redevelopment of this entire area however this specific site continues to be recognized as a Manufacturing Warehousing industrial area in the Plan.

From small workshops to medium sized manufacturing operations, the 6<sup>th</sup> Street neighborhood has dozens of business providing employment to thousands of Tulsans. Outside of the proposed infill corridors business owners are encouraged to upgrade facilities in step with other neighborhood improvements, but special design guidelines are not recommended except along key corridors. 4<sup>th</sup> Street is not one of those corridors.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant with no significant re-development challenges.*

*Street View from SE corner looking northwest: (See next page)*



Environmental Considerations: None that would affect site re-development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 <sup>th</sup> Street	none	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CH	Mixed Use Corridor	Growth	Electric Supply Company
East	RM-1	Employment	Growth	Single Family Residential
South	RM-1 and IL	Employment	Growth	Vacant
West	CH	Employment	Growth	Warehouse and sculpture studio

### **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-7134 July 2009:** All concurred in **approval** of a request for *rezoning* a 19,375± square foot tract of land from RM-1 to IL for off-street parking, on property located west of S. Utica Ave. between E. 4<sup>th</sup> St. and E. 4<sup>th</sup> Pl.

**Z-6855 July 2002:** A request to *rezone* 3 lots from RM-1 to CH zoning for a machine shop was filed for property located on the southwest corner of East 4<sup>th</sup> Place and South Trenton. Staff recommended approval of CH zoning for the north 50' of the two lots fronting Utica and CG zoning for the remaining lot on the west. City Council **approved** CG zoning on all three lots.

**Applicant's Comments:**

**Nicole Watts/KKT Architect** 2200 South Utica Place, Tulsa, OK  
Ms. Watts stated this application is just for a parking lot addition to the existing building. The setback on the east side will meet or exceed the zoning code requirements. This includes a 10 foot landscape buffer with trees.

**INTERESTED PARTIES COMMENTS:**

**Edward Scott III** 1619 East 4<sup>th</sup> Street, Tulsa, OK 74120  
Mr. Scott stated he owns the property east of the subject property. Mr. Scott stated he did not get a notice of this meeting at his address. Mr. Scott states he also owns a property across the street and received a notice at that location. Mr. Scott stated his property has a shared driveway the notice states there is 2 drives but it is a shared residential driveway. Mr. Scott states his water meter is located to the west of the shared drive. Mr. Scott stated there was not a site plan to see how the subject property was going to be laid out. Mr. Scott stated the zoning code stated OL zoning provides some level of screening or transition but there were no exhibits provided. Mr. Scott stated a large concrete slab creates a thermal mass that will heat the parking lot and the back of The Garden Diva and as it heats all day it will reflect the light back on Mr. Scott's property and the jet stream will drag the hot air to his property. Mr. Scott stated trees are nice but his 1920's home has 10 foot ceilings on top of an 18" foundation so there would need to be a 12 foot privacy fence so the warm air would be projected upward to the roof. Mr. Scott stated the non permeable surface will concentrate water flow off the surface and Mr. Scott has a basement but since there were no exhibits attached Mr. Scott could not see where the water was draining. Mr. Scott he was okay with the parking lot but 10 foot buffer is not enough between him and a concrete slab. Mr. Scott stated the Land Use designation is Employment but on 4<sup>th</sup> Street there are only residences and no commercial.

**APPLICANT'S REBUTTAL:**

Ms. Watts stated the proposed commercial driveway is on the Westside and applicant will not touch the existing residential driveway on the east property line. The alley on the north side will be used for some traffic flow. Ms. Watts stated the zoning code requirements will be met or exceeded for landscape buffer.

Ms. Millikin asked if the water meter will be affected by the development.

Ms. Watts stated they will design around it and could not cover a water meter.

**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** Z-7399 rezoning from **RM-1** to **OL** per staff recommendation.

**Legal Description for Z-7399**

LT 15, W 33.33 LT 16, E 16.67 LT 16, W 16.67 LT 17, BLK 6, MIDWAY ADDN

\* \* \* \* \*

**19. Z-7399 Plat Waiver** (CD 4) Location: East of the northeast corner of East 4<sup>th</sup> Street and South Trenton Avenue (Related to Z-7399 Rezoning)

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (Z-7399). The property owner is requesting a rezoning from RM-1 to OL to permit the use of the property as a surface parking lot to support nearby businesses.

The Technical Advisory Committee met on June 15, 2017 and the following items were determined:

1. The property was previously platted as part of the Midway Addition plat.
2. All required right-of-way has been dedicated and is in place.
3. Necessary easements and utilities are all in place and no additional easements will be needed at this time.

Staff recommends **approval** of the plat waiver.

**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, "absent") to **APPROVE** Plat Waiver Z-7399 per staff recommendation



\* \* \* \* \*

Mr. Reeds out at 3:20 pm

**20. Z-7400 AAB Engineering, LLC/Jarrold Sanders** (CD 3) Location: Southeast corner of South Mingo Road and East Admiral Place requesting rezoning from **OL/CS** to **CG with optional development plan**.

**STAFF RECOMMENDATION:**

**SECTION I: Z-7400**

**APPLICANT DEVELOPMENT CONCEPT:**

Zoning Application Z-7400 is a rezoning request from CS and OL to CG with an optional development plan for the property located on the southeast corner of Mingo Road and East Admiral Place. The OL portion of the zoning is a small buffer zoning that was historically used to separate commercial and residential uses. Historically these tracts would have been overlaid with a PUD so perimeter treatments could be more thoroughly vetted. CG zoning is requested to allow many of the automotive allied uses on this tract.

**SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

Z-7397 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CG zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses outside of the permitted uses defined below are prohibited.

**PERMITTED USE CATEGORIES**

- A) PUBLIC, CIVIC, AND INSTITUTIONAL
  - College or University
  - Library or Cultural Exhibit
  - Parks and recreation
  - Religious Assembly
  - Safety Service

- B) COMMERCIAL
  - Animal Service (includes all specific uses)
  - Assembly and entertainment
    - Other indoor
      - (small up to 250 person capacity)
  - Broadcast or Recording Studio
  - Commercial Service (includes all permitted specific uses)
  - Financial Services (includes all specific uses)
  - Funeral or Mortuary Service
  - Office (includes all specific uses)
  - Parking, Non-accessory
  - Restaurants and Bars (includes all permitted specific uses)

Retail Sales (includes all specific uses)  
Studio, Artist, or Instructional Service  
Trade School  
Vehicle Sales and Service  
    Fueling Station  
    Commercial vehicle repair/maintenance  
    Commercial vehicle sales and rentals  
    Personal vehicle repair and maintenance  
    Personal vehicle rentals (Vehicle sales prohibited)  
    Vehicle body and paint finishing shop

C) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment and Materials Storage, Outdoor  
Warehouse  
Wholesale Sales and Distribution

D) OTHER

Drive-in or Drive-through Facility (as a component of an  
allowed principal use)

SIGNAGE:

On-premise freestanding signs:

Two double-faced signs, with a maximum display surface area of sixty four square feet (64 SF) per side and a maximum height of five feet (15 FT) will be permitted. One sign will be allowed along East Admiral Place. One sign allowed along South Mingo Road.

Signage shall be monument style signs. Pole signs are prohibited.

All signs shall be lit by either a constant external light source or a constant internal light source.

Wall Signage:

Wall signage is prohibited on any East or South facing wall.

Dynamic Display:

No Dynamic Display sign is permitted within 250 feet of the west right of way line of South 101<sup>st</sup> East Avenue.

No Dynamic Display sign is permitted along South Mingo Road.

LANDSCAPING AND SCREENING:

A landscape berm shall be provided at any point where parking or vehicular access is within 60 feet of a single family residence. The berm height will be measured from the top of curb and will not be less

than three feet in heights. In addition to the berm a 6' screening fence will be provided between the top of berm and lot line in order to further shield the homes. One tree shall be planted and maintained for each 20 linear foot of fence and shall be located on the top of the landscape berm.

All trash and mechanical areas shall be screened from public view any person standing at ground level by a masonry screening wall. A mesh door with minimum opacity of 95% shall be allowed on enclosure doors. The trash enclosure shall not be within 200 feet of any residentially zoned lot.

#### Vehicular Access:

No vehicular access will be permitted on South Mingo Road within the southern 175 feet of the property.

#### **DETAILED STAFF RECOMMENDATION:**

The specific anticipated vehicular use is not consistent with the Neighborhood Center land use; however, CG zoning with the optional development plan identified in Section II is consistent with the Neighborhood Center Vision and,

CG zoning with the optional development plan is considered non-injurious to the surrounding property owners and,

CG zoning with the optional development plan is consistent with the anticipated future development pattern in this area therefore,

**Staff recommends Approval of Z-7400 to rezone property from OL/ CS to CG with the optional development plan.**

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

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The specific use expected with this application is not consistent with the Neighborhood Center vision of the Comprehensive plan. The Neighborhood Center land use designated could be accomplished in the future within the CG Zoning designation.*

##### Land Use Vision:

*Land Use Plan map designation:* Neighborhood Center  
Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They

can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive 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:* None that affect site development

*Trail System Master Plan Considerations:* None. An existing trail system is on the north and west bank of Mingo Creek. Access to that trail system is not practical from this site except further south from South Mingo Road. Sidewalk construction along South Mingo will help provide future access opportunities.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a large undeveloped property that has limited access opportunities on South Mingo and East Admiral Place. The northwest boundary of the property is defined by Mingo Creek and its floodplain.

Environmental Considerations: None except the Mingo Creek Floodplain may affect site development along the northwestern edge of the request.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Mingo Road	Secondary Arterial	100 feet	4 transitioning to 2 further south
East Admiral Place	Secondary Arterial	100 feet	5

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CG and CS	Town Center	Growth	
East	CS, RM-1 and RS-3	Neighborhood Center and Existing Neighborhood	Stability	Single Family Residential and Vacant
South	RS-3	Existing Neighborhood	Stability	Single Family Residential
West	CS, RS-3 and RM-2	Existing Neighborhood, Park and Open Space	Stability	Multi family and mobile home sales, RV sales across Mingo creek

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 12839 dated June 6, 1973, established zoning for the subject property.

***Subject Property:***

**Z-4368 June 1973:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3/ CS to OL/CS, creating the current zoning on subject property,

located south and east of the southeast corner of S. Mingo Rd. and E. Admiral Pl.

***Surrounding Property:***

**BOA-20680 May 13, 2008:** The Board of Adjustment **approved** a *Special Exception* to permit an electrical contracting service in a CS district, per plan submitted, on property located at 9702 E. Admiral Pl. and abutting northwest of subject property.

**Z-6648 August 1998:** All concurred in **approval** of a request for *rezoning* a 26+ acre tract of land from CS to CG, on property located east of the northeast corner of E. Admiral Pl. and N. Mingo Rd. and north of subject tract.

**Z-6437 May 1994:** All concurred in **approval** of a request to *rezone* a 9.7+ acre tract, from CS to CG for truck sales, located on the northeast corner of E. Admiral Pl. and S. Mingo R. and north of the subject tract.

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Krug, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Reeds, "absent") to **APPROVE** Z-7400 rezoning from **OL/CS** to **CG with optional development plan** per staff recommendation.

**Legal Description for Z-7400**

A PART OF GOVERNMENT LOTS FIVE (5) AND NINE (9), IN SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 6; THENCE NORTH 01°14'41" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 6 FOR A DISTANCE OF 770.94 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF BLOCK 6, ROSEWOOD ADDITION, AN ADDITION TO THE CITY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01°14'41" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 650.61 FEET; THENCE NORTH 88°29'12" EAST FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF VAN ESTATES NO. 4, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 56°26'00" EAST ALONG A WESTERLY LINE OF SAID VAN ESTATES NO. 4 FOR A DISTANCE OF 330.00 FEET; THENCE NORTH 27°23'14" EAST ALONG A WESTERLY LINE OF SAID VAN ESTATES NO. 4 FOR A DISTANCE OF 330.00 FEET TO THE NORTHWEST CORNER OF SAID VAN ESTATES NO. 4;

THENCE NORTH 88°58'01" EAST ALONG THE NORTH LINE OF SAID VAN ESTATES NO. 4 FOR A DISTANCE OF 413.90 FEET TO THE NORTHEAST CORNER OF SAID VAN ESTATES NO. 4; THENCE SOUTH 01°11'36" EAST ALONG THE EAST LINE OF SAID VAN ESTATES NO. 4 FOR A DISTANCE OF 525.87 FEET (PLATTED AS 526.88 FEET) TO THE NORTHWEST CORNER OF LOT 1 BLOCK 6 OF SAID ROSEWOOD ADDTION; THENCE SOUTH 01°14'41" EAST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 6, ALONG THE WEST LINE OF BLOCK 6, OF SAID ROSEWOOD ADDITION FOR A DISTANCE OF 589.01 FEET TO THE NORTHEAST CORNER OF LOT 13 BLOCK 6 OF SAID ROSEWOOD ADDITION; THENCE SOUTH 88°42'52" WEST ALONG THE NORTH LINE OF BLOCK 6 OF SAID ROSEWOOD ADDITION FOR A DISTANCE OF 870.42 FEET (PLATTED AS 870.90 FEET) TO THE NORTHWEST CORNER OF LOT 26 BLOCK 6 OF SAID ROSEWOOD ADDITION; THENCE SOUTH 88°42'52" WEST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 873,275.34 SQUARE FEET / 20.05 ACRES MORE OR LESS

\* \* \* \* \*

Mr. Reeds back at 3:20 pm

Ms. Krug out at 3:30 pm

Items 21 and 22 were presented together.

**21. CZ-460 Ryan McCarty** (County) Location: West of the northwest corner of East 171<sup>st</sup> Street and South Harvard Avenue requesting rezoning from **AG** to **RE** (Related to PUD-846)

**STAFF RECOMMENDATION:**

**SECTION I: CZ-460**

**DEVELOPMENT CONCEPT:** Rezone from AG to RE to permit a single-family subdivision. The subdivision will be gated, with private streets. A new Planned Unit Development, PUD-846, is also proposed to accompany this zoning request.

**DETAILED STAFF RECOMMENDATION:**

CZ-460 is non injurious to the existing proximate properties and;

CZ-460 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-460 to rezone property from AG to RE.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.*

Land Use Vision:

*Land Use Plan map designation: N/A*

*Areas of Stability and Growth designation: N/A*

Transportation Vision:

*Major Street and Highway Plan: East 171<sup>st</sup> St S is designated as a Primary Arterial*

*Trail System Master Plan Considerations: None*

Small Area Plan: N/A

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant with no structures evident on site. A large pond exists in the northeast corner of the site.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 171 <sup>st</sup> Street South	Primary Arterial	120 feet	2

Utilities:

The subject tract has municipal water available. A septic system will be required for each lot.



Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Vacant/Single-Family
East	AG	N/A	N/A	Agricultural/Single-Family
West	AG	N/A	N/A	Single-Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

***Subject Property:***

No relevant history.

***Surrounding Property:***

**CZ-387/ PUD-745 October 2007:** All concurred in approval of a request for rezoning a 80± acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171<sup>st</sup> Street South and South Lewis Avenue.

**Applicant's Comments:**

**Brian McCarty** 11063D South Memorial Drive, #351, Tulsa, OK 74133

Mr. McCarty stated the reason for this application is his client wanted a gated subdivision. Mr. McCarty stated the RE designation is straight from the zoning code and his client isn't asking for higher density. Mr. McCarty stated the maximum number of lots that could be created with these 30 acres is 39 and this application proposes 9 lots. The PUD is for the private streets.

**INTERESTED PARTIES COMMENTS:**

**Brian Frere** 10026-A South Mingo Road, Tulsa, OK 74133

Mr. Frere stated he didn't wish to speak

**Taylor Sprouse** 8317 South 8<sup>th</sup> Street, Broken Arrow, OK 74011

Mr. Sprouse stated his father sold the property to Mr. Frere. Mr. Sprouse stated he would like some assurance that the applicant would adhere to the 9 lots. Also assurances that the water pressure would remain the same because it is rural

water and what consideration was made to the lower portion of the land which could be subjected to flooding.

**APPLICANT’S REBUTTAL:**

Mr. McCarty stated the PUD overlay will hold the applicant to the 9 lots. Mr. McCarty stated the water pressure is more on the engineering side and models will have to be sent to the rural water department or ODQ to pass the pressure tests. There will also be a drainage report submitted to Tulsa County Engineering to check for downstream impacts.

Mr. Walker stated to Mr. Spouse that it looked like the applicant had detention planned for the northwest corner of the property.

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE** CZ-460 rezoning from **AG** to **RE** per staff recommendation.

**Legal Description for CZ-460**

E/2 SW SE & E/2 W/2 SW SE SEC 29 17 13 30ACS

\*\*\*\*\*

**22. PUD-846 Ryan McCarty** (County) Location: West of the northwest corner of East 171<sup>st</sup> Street and South Harvard Avenue requesting rezoning from **AG** to **RE/PUD** to permit single-family subdivision (Related to CZ-460)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-846**

**DEVELOPMENT CONCEPT:** New planned unit development, in conjunction with rezoning case CZ-460 (AG to RE) to permit a single-family subdivision. The subdivision will be gated, with private streets.

**PUD-846 DEVELOPMENT STANDARDS:**

Land Area:  
30.0 Acres

Permitted Uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Residential lot density calculation:

Maximum dwelling units allowed (1,306,800 / 26,250 square feet):

49

Dwelling units (residential lots) proposed:

9

Minimum lot width:

150 feet

Minimum lot area:

22,500 square feet

Minimum land area per dwelling unit:

26,250 square feet

Maximum structure height:

40 feet

Off-Street Parking: Two (2) enclosed off-street parking spaces per dwelling unit

Front yard abutting a private street reserve area:

50 feet

Rear yard:

25 feet

Side yard:

25 feet

No residence shall be built nearer than twenty-five (25) feet to any side lot on one side, and twenty-five (25) feet on the other side, thus requiring a combined total of at least fifty (50) feet between the residences.

All other yards abutting an arterial street: 100 feet from the centerline of E. 171st Street S.

Minimum Dwelling Size: 2,900 square feet of finished heated living area

**VEHICULAR ACCESS AND CIRCULATION:**

The subject tract shall be accessed from East 171<sup>st</sup> Street South along the south side of the property. Interior vehicular access shall be derived from a single gated private street (24 feet in width) extending north from East 171<sup>st</sup> Street South to a cul-de-sac with a pavement diameter of 96 feet. The entirety of the

street system and gated entry located within the reserve area will be owned and maintained by the Sleepy Hollow Estates Homeowners' Association. Tulsa County shall have no responsibility regarding the maintenance of this street. The paving materials of the private street shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:

- 8-inches treated subgrade
- 8-inches aggregate base
- 2-inches Type A asphaltic concrete
- 1 ½-inches Type B asphaltic concrete

There are no plans for future residential street connections to this property.

**PEDESTRIAN ACCESS:** Pedestrian access is not shown. Sidewalks do not exist along East 171<sup>st</sup> St. S. in the area of the subject lot. Due to the existing conditions and design of this property (bar ditches, no curb and gutter, etc.), a sidewalk waiver is requested for this development. A walking path is planned near Reserve Area 'A'.

**PLATTING REQUIREMENT:** No building permit shall be issued until the area comprising the Planned Unit Development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa County Board of County Commissioners and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development and the Tulsa Metropolitan Area Planning Commission (TMAPC) shall be a beneficiary thereof.

**EXPECTED SCHEDULE OF DEVELOPMENT:** Sleepy Hollow Estates anticipated construction schedule begins in the fall of 2017 and is expected to be complete and ready for lot sales in the summer of 2018.

**NEIGHBORHOOD IDENTIFICATION SIGN:** Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

**DETAILED STAFF RECOMMENDATION:**

PUD-846 is non injurious to the existing proximate properties and;

PUD-846 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of PUD-846 as outlined in Section I above.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.*

Land Use Vision:

*Land Use Plan map designation: N/A*

*Areas of Stability and Growth designation: N/A*

Transportation Vision:

*Major Street and Highway Plan: East 171<sup>st</sup> St S is designated as a Primary Arterial*

*Trail System Master Plan Considerations: None*

Small Area Plan: N/A

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant with no structures evident on site. A large pond exists in the northwest corner of the site.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 171 <sup>st</sup> Street South	Primary Arterial	120 feet	2

Utilities:

The subject tract has municipal water available. A septic system will be required for each lot.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Vacant/Single-Family
East	AG	N/A	N/A	Agricultural/Single-Family
West	AG	N/A	N/A	Single-Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

***Subject Property:***

No relevant history.

***Surrounding Property:***

**CZ-387/ PUD-745 October 2007:** All concurred in approval of a request for rezoning a 80± acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171<sup>st</sup> Street South and South Lewis Avenue.

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE** PUD-846 rezoning from **AG** to **RE/PUD** per staff recommendation.

**Legal Description for PUD-846**

E/2 SW SE & E/2 W/2 SW SE SEC 29 17 13 30ACS

\*\*\*\*\*

**23.Z-7401 KKT Architects, INC/Nicole Watts** (CD 3) Location: East of the northeast corner of East 46<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue requesting rezoning from **AG** to **IH**

**STAFF RECOMMENDATION:**

## **SECTION I: Z-7401**

**DEVELOPMENT CONCEPT:** Rezone subject tract from AG to IH to permit Industrial uses. The tract is surrounded by industrial uses and is currently utilized for industrial uses related to asphalt production.

### **DETAILED STAFF RECOMMENDATION:**

IH zoning is consistent with the Employment and the Area of Growth land use designations identified in the Tulsa Comprehensive Plan and,

IH zoning is non-injurious to the surrounding property and

IH zoning is consistent with the expected development pattern in the area therefore,

**Staff recommends Approval of Z-7401 to rezone property from AG to IH.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject tract is located within an Employment Land Use. Industrial use would be compatible with the Employment Land Use.*

### 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:* East 46<sup>th</sup> Street North is a Primary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently utilized as part of a larger asphalt production facility.*

Environmental Considerations: The western portion of the tract currently contains an area within the 100 year floodplain. The applicant will need to work with the City of Tulsa to mitigate any issues relating to the floodplain before developing within it.





- Parcels - Tulsa County 
- Tulsa County Levee Protected Area 
- Tulsa County Floodway (2016 Update) 
- Tulsa County 100 Year Floodplain (2016 update) 
- Tulsa County 500 Year Floodplain (2016 update) 

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 46 <sup>th</sup> Street North	Primary Arterial	120 feet	2

Utilities:

The subject tract does not have municipal water and sewer available. A waterline extension would be required to provide water to the site. A sewer line extension or septic system would be required for sewer services, if required.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Employment	Growth	Industrial
South	IM	Employment	Growth	Industrial
East	IH	Employment	Growth	Industrial
West	IM	Employment	Growth	Industrial

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

No relevant history.

***Surrounding Property:***

**Z-7385 June 2017:** All concurred in **approval** of a request for *rezoning* a 97± acre tract of land from AG to IM for industrial use, on property located northeast corner of E. 46<sup>th</sup> St. N. and Highway 169. City Council approved this application on June 21, 2017 and is pending an ordinance to be published.

**Z-7203 May 2012:** All concurred in **approval** of a request for *rezoning* a 13± acre tract of land from AG/RMH to IM for aviation use, on property located south and east of the southeast corner of N. Mingo Rd. and E. 46<sup>th</sup> St. N., and west and south of subject property.

**Z-6837 October 2001:** All concurred in **approval** of a request for *rezoning* a 155± acre tract of land from AG to IM and IH, for industrial use, on property located at the southeast corner of E. 46<sup>th</sup> St. N. and Highway 169 and is southwest of subject property.

**BOA-20848 January 2009:** The Board of Adjustment **approved** a *Special Exception* to permit a Sanitary Landfill (Use Unit 2) in an IH district, on property located at 13720 E. 46<sup>th</sup> St. N.

**BOA-18611 December 14, 1999:** The Board of Adjustment **approved** a *Special Exception* to permit limestone mining in an IM and AG district, on property located north of E. 46<sup>th</sup> St. N. and N. 129<sup>th</sup> E. Ave. and *abutting west of subject property.*

**BOA-18291 January 26, 1999:** The Board of Adjustment **approved** a *Special Exception* to permit mining/mineral processing in IM and AG Districts; and a *Special Exception* for cement, lime, gypsum, plaster of paris, asphalt

manufacturing and paving plants and mining and mineral processing, on property located at E. 36<sup>th</sup> St. N., extending up just north of E. 46<sup>th</sup> St. N. and N. 129<sup>th</sup> E. Ave.

**BOA-17962 March 10, 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a solid waste recycling and disposal facility; located on east of the southeast corner of Highway 169 and E. 46<sup>th</sup> St. N., and southeast of the subject property.

**BOA-11952 May 13, 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a limestone quarry and related processing in an IH district, on property located at the northeast corner of Port Catoosa Rd. and N. 129<sup>th</sup> E. Ave. and *abutting east of subject property.*

**BOA-9332 January 20, 1977:** The Board of Adjustment **approved** a *Special Exception* for permission to conduct limestone quarrying operations in an IH district as presented with the stipulation that this approval is not to be interpreted as authorizing any activity which may be in violation of any other Ordinances of the City of Tulsa; located at 46<sup>th</sup> St. N. and 145<sup>th</sup> E. Ave. (abutting to the east)

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE** Z-7401 rezoning from **AG** to **IH** per staff recommendation.

**Legal Description for Z-7401**

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4, SE/4, SW/4) OF SECTION NINE (9), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. CONTAINING 435,600 SQUARE FEET (10.00 ACRES) MORE OR LESS.

\* \* \* \* \*

Items 24, 25 and 26 were presented together

**24. Z-7402 KKT Architects, INC/Nicole Watts** (CD 7) Location: South of the southwest corner of South Memorial Drive and East 66<sup>th</sup> Street requesting

rezoning from **PK/CS** to **CS/CG** (Related to PUD-379-D and Z-7402/PUD-379-D Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7402**

**DEVELOPMENT CONCEPT:** CG zoning is requested to support a microbrewery business. CS is required to remove the non conforming status of the allowed uses where PK zoning was originally the only underlying zoning. CG zoning alone allows some uses that have never been considered an appropriate use at this location. The PUD limits objectionable uses that could be allowed in a CG district and also reflects changes that have been made in previous minor and major amendments.

**DETAILED STAFF RECOMMENDATION:**

Z-7402 with the concurrent PUD 379-D is consistent with the Regional Center land use vision of the Comprehensive Plan and,

Z-7402 with the concurrent PUD 379-D is consistent with the anticipated future development and redevelopment of this site anticipating a higher density than was allowed previously and,

Z-7402 with the concurrent PUD 379-D will require a higher level of site design standards required by the Tulsa Zoning Code at the time of redevelopment and,

Z-7402 with the concurrent PUD 379-D is consistent with the PUD provisions of the Tulsa Zoning Code.

Z-7402 with the concurrent PUD 379-D is considered non injurious to the surrounding and abutting property owners therefore,

Staff recommends **Approval** of Z-7402 but only with concurrent approval of PUD-379-D to rezone property from PK/CS/ PUD-379 to CS/ CG/ PUD-379-D.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The PUD is consistent with the provisions of the Tulsa Comprehensive Plan and supports Regional Center redevelopment opportunities.*

## Land Use Vision:

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

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

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

The purpose of 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*

*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 an underutilized strip shopping center that was previously developed in 1984.

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Avenue	Primary Arterial Commuter Corridor overlay	120	6

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3 / PUD-187	Existing Neighborhood	Area of Growth	Multi Family and open space
East	CS, OL, OM	Regional Center	Area of Growth	Commercial
South	CS	Regional Center	Area of Growth	Commercial
West	RS-3	Existing Neighborhood	Area of Stability	Single Family Residential

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

**ZONING ORDINANCE:** Ordinance number 22111 dated August 25, 2009 (PUD-379-C); and 16243 dated January 8, 1985 (PK, CS, PUD-379), established zoning for the subject property.

***Subject Property:***

**PUD-379-C August 2009:** All concurred in **approval** of a proposed *Major Amendment to PUD* on a 5.95+ acre tract of land to add bar use (Use Unit 12a) to permitted uses, on property located south of the southwest corner of South Memorial Drive and East 66<sup>th</sup> Street South.

**BOA-20936 July 14, 2009:** The Board of Adjustment **approved** a *Variance* of the required parking requirement for a mixed-use commercial building in a PK district / PUD from 535 to 391 parking spaces; and a *Special Exception* to permit an Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned

land; and **accepted** a *Verification of the spacing requirement* for an Adult Entertainment Establishment of 50 ft. from an R district and 300 ft. from a public park, school, church, and another Adult Entertainment Establishment; all to permit an Adult Entertainment Establishment (bar) in the existing commercial building in the PK district / PUD, on property located at 6612 S. Memorial Dr. and also known as a part of the subject property.

**PUD-379-B May 2008:** All concurred in **approval** of a proposed *Major Amendment to PUD* a 5.95+ acre tract of land to add restaurant use (Use Unit 12) as a permitted use on property located south of southwest corner of South Memorial Drive and East 66<sup>th</sup> Street South and also known as the subject property.

**PUD-379-6 July 11, 2007:** The Planning Commission approved a Minor Amendment to PUD-379 to increase the number of ground signs permitted from two to three; and to increase the maximum allowable (aggregate) display surface area for ground signs from 480 square feet to 552 square feet; and increasing permitted display surface area for wall signs from one and one-half square feet per lineal foot of building wall to two square feet per lineal foot of building wall in conjunction with remodeling and reuse of the former Mervyn's retail store on subject property.

**PUD-379-5 April 4, 2007:** The Planning Commission approved a Minor Amendment to reduce the parking requirement from 448 to 391, as approved by the Board of Adjustment (BOA-20452) on March 13, 2007; and increasing permitted building height from 30 feet to 40 feet to accommodate proposed changes to the building's façade, associated with reuse of the former Mervyn's store as a gym and retail space.

**BOA-20491 May 8, 2007:** The Board of Adjustment approved a Special Exception to reduce parking requirements 10% for a mixed use commercial center on property located and abutting the subject property. A Minor Amendment was done to the PUD to reflect the Boards decision as case number: PUD-379-7/PUD-379-A-8.

**BOA-20452 March 13, 2007:** The Board of Adjustment approved a *Variance* of the parking requirement from 448 to 391; finding the requirement of one parking space to 200 sq. ft. is excessive in this case; and the applicant has cross-parking agreements with other areas in the center; located at 6612 S. Memorial Drive and also known as the subject property.

**Z-6011/PUD-379 December 1984:** A request for rezoning and a Planned Unit Development on a 33+ acre tract of land from CS/RS-3/OL/AG to CS/RM-2/PUD for commercial development was approved by the TMAPC recommending CS and PK instead of RM-2, for retail development, located and also known as the subject property. The request also abandoned the original PUD-209 that was approved for the property.

**Surrounding Property:**

**Z-6113/ PUD-379-A July 1986:** All concurred in **approval** of a request for *rezoning* and of a proposed *Major Amendment to PUD-379* on a 32.9± acre tract of land from PK to CS to add commercial property to the existing development, therefore changing the development standards, located within the original PUD-379.

**BOA-15258 September 28, 1989:** The Board of Adjustment approved a Variance to permit a projecting roof and flashing sign as a part of a motion picture theater marquee within a PUD; per sign plan submitted, on property located at 6800 S. Memorial Dr.

**PUD-187 August 1976:** All concurred in approval of a proposed Planned Unit Development 165.5± acre tract of land for single-family, duplexes, multi-family, tennis club expansion and park/detention facilities with a total of 863 dwelling units on property located between East 61<sup>st</sup> Street South and East 71<sup>st</sup> Street South and between South Memorial Drive and South Sheridan Road; and abutting north and west of subject property.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE** Z-7402 rezoning from **PK/CS** to **CS/CG** per staff recommendation.

**Legal Description for Z-7402**

ALL OF BLOCK 1, THE VILLAGE AT WOODLAND HILLS

\*\*\*\*\*

**25. PUD-379-D KKT Architects, INC/Nicole Watts** (CD 7) Location: South of the southwest corner of South Memorial Drive and East 66th Street requesting Major Amendment to a PUD to rezone from **PK/ CS/ PUD-379** to **CS/ CG/ PUD-379-D** to add CG zoning to allow a tasting room and brew pub in the shopping center (Related to Z-7402 and Z-7402/PUD-379-D Plat Waiver)

**STAFF RECOMMENDATION:**



**DEVELOPMENT CONCEPT:** The PUD shall be governed by the Tulsa Zoning Code effective July 11, 2017 or as amended. Underlying zoning modifications are required to support the microbrewery uses identified in development area A

## **SECTION II: PUD-379-D Development Standards**

PUD-379-D shall conform to the provisions of the Tulsa Zoning Code for development in a CG zoning district and its supplemental regulations except as defined below. All uses categories, subcategories or specific uses outside the permitted uses defined are prohibited. The PUD is separated into two development areas that reflect the two of the previous major amendments.

**Tract Size** **21.15+/-** **Acres** **(Both**  
**Development Areas)**

Development area A (Formerly part of PUD 379, Lot 1, Block 1) (19.90 +/- acres)

Development Area B (Formerly PUD 379 B and C, Lot 2 Block 1) (5.95 +/- acres)

### **Permitted uses for Both Development Areas:**

Uses shall include permitted uses and those allowed by special exception as outlined below:

- 1) Residential
  - Townhouse
- 2) Public, Civic and Institutional
  - College or University
  - Hospital
  - Library or Cultural Exhibit
  - Parks and recreation
  - Religious Assembly
  - Safety Service
  - School
  - Minor Utilities and Public Service Facility
  - Wireless Communication Facility (Includes all specific uses)
- 3) Commercial
  - Animal Service (Includes all specific uses)
  - Small indoor assembly and entertainment
  - Broadcast or Recording Studio
  - Commercial Service (Includes all specific uses)
  - Financial Services (includes all specific uses)
  - Funeral or Mortuary Service
  - Lodging

- Hotel/Motel only
- Office (Includes all specific uses)
- Restaurants and Bars
  - Restaurant
  - Bar
  - Brewpub
- Retail Sales (includes all specific uses)
- Studio, Artist or Instructional Service
- Trade School
- 4) Industrial
  - Low-impact Manufacturing and industry limited to:
    - Microbrewery with a tasting room: (Limited to less than 10,000 barrels of beer and malt beverages per calendar year).
    - Micro distillery with a tasting room: (Limited to no more than 30,000 proof gallons per calendar year.)
- 5) Agricultural
  - Community Garden
  - Farm, Market or Community Supported

**DEVELOPMENT AREA A**

**Maximum floor Area Ratio**

**0.50**

Maximum building Height: To top of the parapet)

Within 125 feet of the West Boundary

22 feet

More than 125 feet from the West Boundary

50 feet

Architectural elements maximum height

60 feet when more than 125 feet from the west lot line.

Minimum Setbacks:

From West Boundary

85 feet

From South Boundary

20 feet

From North Boundary

35 feet

From East Boundary

25 feet

Off street parking:

Vehicular and bicycle parking shall be provided as required by the applicable use classification in a CG district however no parking is required for the first 5000 square feet of any use.

Landscaping

(Additional landscape requirements beyond minimum standards defined in Zoning Code)

Minimum 25 foot wide landscape edge along the west boundary (Minimum of one 2" caliper tree for every 20 linear foot of boundary)

Minimum 25 foot wide landscape edge along the east boundary (Minimum of one 2" caliper tree for every 50 linear foot of frontage)

Architecture:

Architectural materials on the rear of any building shall be similar to the front and of the same materials

Light:

No light in excess of 6 feet above ground level on the west side of the buildings

All lighting shall be pointed down and away from residential uses.

No light fixture may exceed 24 feet in height. Additionally No light within 300 feet of the west boundary can exceed the height of the building closest to the fixture.

Trash receptacles and loading docks:

All trash receptacles and loading docks shall be screened from ground level from properties from the west and north with masonry screening.

Signage

Only as allowed by right in a CS zoning District but limited to 2.0 square feet of display surface area for each lineal foot of building wall to which the sign is attached.

Permit a projecting, roof and flashing sign as part of a motion picture theatre marquee

Permit motion picture theatre signage which is consistent and compatible with the architectural theme of the shopping center and the architectural design of the motion picture theater space.

Flashing signs, changeable copy signs, running light or twinkle signs animated signs, revolving or rotating signs or signs with movement shall be prohibited.

Dynamic Display signs are prohibited

The maximum ground sign height cannot exceed 25 feet

Wall signs on the west wall of any building are prohibited when within 200 feet of the west boundary.

**DEVELOPMENT AREA B:  
Maximum floor Area Ratio**

**0.50**

Minimum Lot area	0.5acres
Minimum lot width	100 feet
Maximum building Height: To top of the parapet)	50 feet
Architectural elements maximum height	60 feet
Minimum Setbacks:	
From West Boundary	0 feet
From South Boundary	20 feet
From North Boundary	35 feet
From East Boundary	25 feet

Off street parking:

Vehicular and bicycle parking shall be provided as required by the applicable use classification in a CS district however no parking is required for the first 5000 square feet of any use.

Landscaping

(Additional landscape requirements beyond minimum standards defined in Zoning Code)

Minimum 25 foot wide landscape edge along the east boundary (Minimum of one 2" caliper tree for every 50 linear foot of frontage)

Architecture:

Architectural materials on the rear of any building shall be similar to the front and of the same materials

Light:

All lighting shall be pointed down and away from residential uses.  
No light fixture may exceed 24 feet in height.

Trash receptacles and loading docks:

All trash receptacles and loading docks shall be screened from ground level from properties from the west and north with masonry screening.

Signage

Only as allowed by right in a CS zoning District but limited to 2.0 square feet of display surface area for each lineal foot of building wall to which the sign is attached.

Permit a projecting, roof and flashing sign as part of a motion picture theatre marquee

Permit motion picture theatre signage which is consistent and compatible with the architectural theme of the shopping center and the architectural design of the motion picture theater space.

Flashing signs, changeable copy signs, running light or twinkle signs animated signs, revolving or rotating signs or signs with movement shall be prohibited.

Dynamic Display signs are prohibited

The maximum ground sign height cannot exceed 28 feet

Wall signs on the west wall of any building are prohibited when within 200 feet of the west boundary.

Wall signs on the north wall of any building are prohibited when within 400 feet of the north boundary.

**DETAILED STAFF RECOMMENDATION:**

PUD 379-D is consistent with the Regional Center land use vision of the Comprehensive Plan and,

PUD 379-D is consistent with the anticipated future development and redevelopment of this site anticipating a higher density than was allowed previously and,

PUD 379-D will require a higher level of site design standards required by the Tulsa Zoning Code at the time of redevelopment and,

PUD 379-D is consistent with the PUD provisions of the Tulsa Zoning Code.

PUD 379-D is considered non injurious to the surrounding and abutting property owners therefore,

Staff recommends **Approval** of PUD-379-D to rezone property from PK/CS/ PUD-379 to CS/ CG/ PUD-379-D.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The PUD is consistent with the provisions of the Tulsa Comprehensive Plan and supports Regional Center redevelopment opportunities.*

Land Use Vision:

*Land Use Plan map designation: Regional Center*  
Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors

from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

The purpose of 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

*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 an underutilized strip shopping center that was previously developed in 1984.*

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Avenue	Primary Arterial Commuter Corridor overlay	120	6

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3 / PUD-187	Existing Neighborhood	Area of Growth	Multi Family and open space
East	CS, OL, OM	Regional Center	Area of Growth	Commercial
South	CS	Regional Center	Area of Growth	Commercial
West	RS-3	Existing Neighborhood	Area of Stability	Single Family Residential

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 22111 dated August 25, 2009 (PUD-379-C); and 16243 dated January 8, 1985 (PK, CS, PUD-379), established zoning for the subject property.

***Subject Property:***

**PUD-379-C August 2009:** All concurred in **approval** of a proposed *Major Amendment to PUD* on a 5.95± acre tract of land to add bar use (Use Unit 12a) to permitted uses, on property located south of the southwest corner of South Memorial Drive and East 66<sup>th</sup> Street South.

**BOA-20936 July 14, 2009:** The Board of Adjustment **approved** a *Variance* of the required parking requirement for a mixed-use commercial building in a PK district / PUD from 535 to 391 parking spaces; and a *Special Exception* to permit an Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned land; and **accepted** a *Verification of the spacing requirement* for an Adult Entertainment Establishment of 50 ft. from an R district and 300 ft. from a public park, school, church, and another Adult Entertainment Establishment; all to permit an Adult Entertainment Establishment (bar) in the existing commercial

building in the PK district / PUD, on property located at 6612 S. Memorial Dr. and also known as a part of the subject property.

**PUD-379-B May 2008:** All concurred in **approval** of a proposed *Major Amendment to PUD* a 5.95± acre tract of land to add restaurant use (Use Unit 12) as a permitted use on property located south of southwest corner of South Memorial Drive and East 66<sup>th</sup> Street South and also known as the subject property.

**PUD-379-6 July 11, 2007:** The Planning Commission approved a Minor Amendment to PUD-379 to increase the number of ground signs permitted from two to three; and to increase the maximum allowable (aggregate) display surface area for ground signs from 480 square feet to 552 square feet; and increasing permitted display surface area for wall signs from one and one-half square feet per lineal foot of building wall to two square feet per lineal foot of building wall in conjunction with remodeling and reuse of the former Mervyn's retail store on subject property.

**PUD-379-5 April 4, 2007:** The Planning Commission approved a Minor Amendment to reduce the parking requirement from 448 to 391, as approved by the Board of Adjustment (BOA-20452) on March 13, 2007; and increasing permitted building height from 30 feet to 40 feet to accommodate proposed changes to the building's façade, associated with reuse of the former Mervyn's store as a gym and retail space.

**BOA-20491 May 8, 2007:** The Board of Adjustment approved a Special Exception to reduce parking requirements 10% for a mixed use commercial center on property located and abutting the subject property. A Minor Amendment was done to the PUD to reflect the Boards decision as case number: PUD-379-7/PUD-379-A-8.

**BOA-20452 March 13, 2007:** The Board of Adjustment approved a *Variance* of the parking requirement from 448 to 391; finding the requirement of one parking space to 200 sq. ft. is excessive in this case; and the applicant has cross-parking agreements with other areas in the center; located at 6612 S. Memorial Drive and also known as the subject property.

**Z-6011/PUD-379 December 1984:** A request for rezoning and a Planned Unit Development on a 33± acre tract of land from CS/RS-3/OL/AG to CS/RM-2/PUD for commercial development was approved by the TMAPC recommending CS and PK instead of RM-2, for retail development, located and also known as the subject property. The request also abandoned the original PUD-209 that was approved for the property.

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

**Z-6113/ PUD-379-A July 1986:** All concurred in **approval** of a request for *rezoning* and of a proposed *Major Amendment to PUD-379* on a 32.9± acre tract of land from PK to CS to add commercial property to the existing development,



therefore changing the development standards, located within the original PUD-379.

**BOA-15258 September 28, 1989:** The Board of Adjustment approved a Variance to permit a projecting roof and flashing sign as a part of a motion picture theater marquee within a PUD; per sign plan submitted, on property located at 6800 S. Memorial Dr.

**PUD-187 August 1976:** All concurred in approval of a proposed Planned Unit Development 165.5+ acre tract of land for single-family, duplexes, multi-family, tennis club expansion and park/detention facilities with a total of 863 dwelling units on property located between East 61<sup>st</sup> Street South and East 71<sup>st</sup> Street South and between South Memorial Drive and South Sheridan Road; and abutting north and west of subject property.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE PUD-379-D** rezoning from **CS/CG/PUD-379-D** to **CG** per staff recommendation.

**Legal Description for PUD-379-D**

ALL OF BLOCK 1, THE VILLAGE AT WOODLAND HILLS

\* \* \* \* \*

**26.Z-7402/PUD-379-D Plat Waiver** (CD 7) Location: South of the southwest corner of South Memorial Drive and East 66th Street (Related to PUD-379-D & Z-7402)

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (Z-7402) and a major amendment to a previously approved Planned Unit Development (PUD-379-D). The major amendment and rezoning are sought to accommodate the addition of a microbrewery and microdistillery to a previously established shopping center. No additional buildings are proposed.

The Technical Advisory Committee met on June 15, 2017 and the following items were determined:

1. The property was previously platted as Block 1 of The Village at Woodland Hills when the original PUD-379 was approved. It is recommended that the applicant amend the existing deed of dedication to reflect previous and proposed amendments to development standards.
2. All required right-of-way has been dedicated and is in place.
3. Necessary easements and utilities are all in place and no additional easements will be needed at this time.

Staff recommends **approval** of the plat waiver.

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **APPROVE** Plat Waiver **Z-7402/PUD-379-D** per staff recommendation

**OTHER BUSINESS**

**27. Commissioners' Comments**

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Doctor, Fothergill, Fretz, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Dix, Krug, "absent") to **ADJOURN** TMAPC meeting 2749.

**ADJOURN**

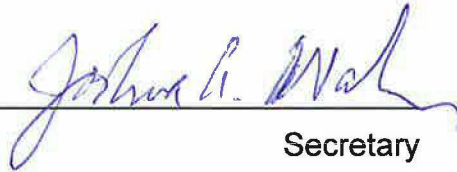
There being no further business, the Chair declared the meeting adjourned at 3:53 p.m.

Date

Approved: 07-19-2017

  
Chairman

ATTEST:

  
Secretary