

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Minutes of Meeting No. 2598**

Wednesday, March 16, 2011, 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>
Cantrell	McArtor	Alberty	Boulden, Legal
Carnes	Shivel	Bates	Steele, Sr. Eng.
Dix	Walker	Huntsinger	
Edwards		Matthews	
Leighty		Sansone	
Liotta			
Midget			
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 10, 2011 at 2:33 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 Leighty called the meeting to order at 1:30 p.m.

### **REPORTS:**

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

Mr. Leighty reported that he has been invited as the Chair of the TMAPC to be at the Mayor's meeting for March 28, 2011 to share ideas for issues that are coming before the Boards and Commissions in the coming year.

#### **Work Session Report:**

Mr. Leighty reported that there will be a work session immediately following today's TMAPC regular meeting to discuss the Southwest Tulsa Plan, Phase II. Mr. Leighty reminded the Planning Commissioners that they previously voted to revisit the City Council's request to consider text amendments for the Zoning Code for the HP district borders. Mr. Leighty indicated that he has asked staff to schedule that discussion for the April 20<sup>th</sup> work session.

**Director's Report:**

Mr. Alberty reported on the TMAPC receipts for the month of January 2011 and indicated that they are up 40 percent over this time last year. Mr. Alberty further reported that the receipts are also 40 percent over for the fiscal year, which indicates that there is an increase in applications.

Mr. Alberty reported that a City Council Consensus was delivered this week requesting the TMAPC to hold a hearing and consider temporary storage structures proliferating subdivisions. Mr. Alberty indicated that staff will put this on the April work session for a full discussion.

\* \* \* \* \*

Mr. Leighty thanked Ms. Huntsinger for her work on the minutes.

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

\* \* \* \* \*

**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.**

1. **LS-20420 – White Surveying Company**, (Lot-Split) (CD-5) Location: Northwest corner of East 40<sup>th</sup> Street South and South Memorial Drive (Related to Item 2, LC-303)
2. **LC-303 – White Surveying Company**, (Lot-Combination) (CD-5) Location: North and West of the Northwest corner of East 40<sup>th</sup> Street South and South Memorial Drive (Related to Item 1, LS-20420)
5. **LC-302 – Wind River Associates LLC**, (Lot-Combination) (CD-8) Location: South of the corner of South Oswego Avenue and East 119<sup>th</sup> Street South
6. **LC-304 – Mike Marrara**, (Lot-Combination) (CD-4) Location: Southeast corner of South Main Street and East Brady Street
7. **Stavros Corner** – (8406) (CD-8) Final Plat, Location: North of northeast corner of South Mingo Road and East 63<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 1.62 acres.

All release letters have been received and staff recommends **Approval**.

- 8. Saint Francis South – (8418) (CD 8) Final Plat**, Location: Northeast corner of East 91<sup>st</sup> Street and South Highway 169

**STAFF RECOMMENDATION:**

This plat consists of four lots in one block on 21.95 acres.

All release letters have been received and staff recommends **APPROVAL**.

- 9. Springs at East Fifty-First – (9428) (CD-6) Final Plat**, Location: North of East 51<sup>st</sup> Street South, west of South 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This consists of one lot in one block on 10.33 acres.

Staff recommends **APPROVAL** of the final plat, assuming that the last release letter from Development Services has been received by the agenda date with the concerns about certain easements being resolved. This item will be requested to be stricken by staff if this has not occurred by the agenda date.

- 10. Tuscany Hills at Nickel Creek – (8211) (CD-2) Final Plat**, Location: North of West 81<sup>st</sup> Street and West of Highway 75

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 19.02 acres.

All release letters have been received and staff recommends **APPROVAL**.

- 11. PUD-405-21 – Gary Larsen/Celebrity Attractions**, Location: West of the southwest corner of 91<sup>st</sup> Street South and South Memorial Drive, Requesting a Minor Amendment to increase the size of a sign. (CD-8) (CO/PUD)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the size of a sign.

The PUD allows one sign at each entry point to the development not to exceed four feet in height nor 32 square feet of display area.

The applicant seeks to increase the height of the sign from 4 feet to 6.69 feet to reflect as built conditions. The applicant also seeks to increase the permitted display surface area from 32 square feet (SF) to 38 SF to allow for an electronic

message center (see attached Exhibit G-1.0). Electronic message centers are allowed by the PUD.

Section 1107, H-12 of the code allows by minor amendment, modifications in approve signage provided the size, location, number and character (type) of signs is not substantially altered.

The property is located along a major arterial street in a corridor district. Staff views a 2.69 foot increase in height and a 6 SF increase in display surface area as negligible, not substantially altering the size, location, number and character (type) of signs in the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-405-21.

*Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.*

**12. PUD-460-6 – Dandy Oskey/The Villages at Highland Park**, Location: North of the northwest corner of 81<sup>st</sup> Street South and South Mingo Road and west of the northwest corner of 81<sup>st</sup> Street South and South Mingo Road, Requesting Minor Amendment to permit the reconstruction of two small entry features in separate reserve areas at the Villages of Highland Park. (CD-7) (CS/RM-0/RS-3/PUD)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to permit the reconstruction of two small entry features in separate reserve areas at the Villages of Highland Park in PUD-460 (see attached exhibits and photographs). One entry feature was located at the 81<sup>st</sup> Street access point and the other at the South Mingo Road access point to the single family subdivision.

The entry features were constructed in Reserve Areas C and Q as part of the original development of the subdivision (see Exhibit A). The entry features however are technically not allowed in these reserve areas per the subdivision plat. The 81<sup>st</sup> Street entry feature was removed by the City of Tulsa for the widening of 81<sup>st</sup> Street and the Mingo Road entry feature was accidentally struck by a car in December of 2010. The City of Tulsa is paying for the replacement of the 81<sup>st</sup> Street entry feature.

Section 1107, H-7 of the code allows by minor amendment, "the addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including but not limited to swimming pools, cabanas, security buildings, club houses and tennis courts". Staff contends that the reconstruction of these structures will not substantially alter the character or intent of the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-460-6.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

**13.Z-7008-SP-1 – Mark B. Capron/Tulsa Hills, LLC** – Location: South of the southeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue; Requesting a Detail Site Plan for a 67,969 square foot retail building in the Tulsa Hills Regional Shopping Center (CD 2) (CO)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 67,969 square foot retail building in the Tulsa Hills Regional Shopping Center. The proposed use, Use Unit 14 – Shopping Goods and Services, is a permissible use within this Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along Olympia Avenue per subdivision regulations. Pedestrian access connecting the Olympia Avenue sidewalk to the storefront is provided in two separate areas as required by CO District Development Standards.

Therefore, staff recommends **APPROVAL** of the detail site plan for Lot 6, Block 1 – Tulsa Hills.

*Note: Detail site plan approval does not constitute landscape plan or sign plan approval.*

**TMAPC COMMENTS:**

Mr. Leighty indicated that Items 3 and 4 are stricken from the agenda. These two Items need Board of Adjustment action first.

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Stirling "aye"; no "nays"; none "abstaining"; McArtor, Midgett, Shivel, Walker "absent") to **APPROVE** the consent agenda Items 1, 2, and 5 through 13 per staff recommendation.

\* \* \* \* \*

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

- 3. LS-20421 – Brad Lewis**, (Lot-Split) (CD-9) Location: Southwest corner of East 35<sup>th</sup> Place South and South Quincy Avenue

**STAFF RECOMMENDATION:**

Stricken.

- 4. LS-20422 – Brad Lewis**, (Lot-Split) (CD-9) Location: West of the Southwest corner of East 35<sup>th</sup> Place South and South Quincy Avenue

**STAFF RECOMMENDATION:**

Stricken.

\* \* \* \* \*

**PUBLIC HEARINGS:**

- 14. LS-20419 – Jack Ramsey**, (Lot-Split) (County) Location: West of the southwest corner of South 161<sup>st</sup> East Avenue and East 161<sup>st</sup> Street South (Waiver of Major Street and Highway Plan)

**STAFF RECOMMENDATION:**

The lot-split proposal is to split 2.2 acres +/- from an existing 10.04 acre +/- tract creating a 7.84 acre +/- remainder tract. The proposed tracts meet the AG (Agricultural) bulk and area requirements of the Tulsa County Zoning Code.

According to the Major Street and Highway Plan, East 161<sup>st</sup> Street South is deemed a secondary arterial requiring 50 feet of right-of-way from the center line. The applicant is asking to waive the requirement of 50 feet to 30 feet of right-of-way instead. The County Engineer agrees with the waiver and is in support of the application. Additionally both of the tracts that are being created need a waiver of the Subdivision Regulations for more than three side lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of the *Major Street and Highway Plan, Subdivision Regulations* and of the lot-split.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Stirling "aye"; no "nays"; none "abstaining"; McArtor, Shivel, Midget, Walker "absent") to **APPROVE** the waiver of the Major Street and Highway Plan, Subdivision Regulations and of the lot-split for LS-20419 per staff recommendation.

\* \* \* \* \*

Mr. Midget in at 1:40 p.m.

**15. Fire Safety Training Center Addition - (0321) (CD 3) Preliminary Plat,**  
Location: North and east of the northeast corner of North New Haven and East Apache

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 35.7 acres.

The following issues were discussed March 3, 2011, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH (commercial heavy) and RS-3 (residential single family) with Board of Adjustment case # 21207 which approved a Special Exception to permit a fire safety training center in January 2011.
2. **Streets:** Along all streets label centerline of each street, with dimension lines show existing right-of-way available for each street and provide reference, i.e. plat number or book and page number for existing right-of-way. Additional 12.5 feet of right-of-way is required along North Richmond Avenue. Additional five feet of right-of-way is required along North New Haven Avenue. Additional 30 feet of right-of-way is required along East 29<sup>th</sup> Street north for the east 659.19 feet and five feet of additional right-of-way is required along west 304.57 feet. Limits of No Access distances are incorrect. Show distances for all three Limits of No Access. Modify Section 1 A to include public right-of-way dedication. Service gate along Apache must provide three-car stacking. Service gate along North New Haven must provide two-car stacking. Sidewalks must be provided along all streets.
3. **Sewer:** All sanitary sewer pipes must be ductile iron pipe.

4. **Water:** Show the 20-foot restrictive waterline easement for all proposed public waterlines within the site. An infrastructure development plan to extend the water main line will be required. Installation of tee on existing 16 inch line, check that all customers still receive services during installation. Request the waterline system connect to the existing on East 29<sup>th</sup> Street North. Who is responsible for maintaining the eight-inch TW (training waterline) lines? Will the eight-inch TW (training waterline) lines require an easement? The eight-inch TW (training waterline) lines will need valves. How will water distribution crews determine whether line is a TW (training waterline) or public line?
5. **Storm Drainage:** The drainage ditch that crosses the property on the east side conveys offsite water through the property and must be placed in an overland drainage ditch that contains the runoff from the 1% storm. Subdivision regulations require that the area of the property be given in square footages as well as acres.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Please provide more information on the electronic valves for all fire hydrants. (What is the purpose and how do they operate?) Any structure over 30 feet tall will require aerial access per IFC (international fire code) 2006 appendix D105.

**GIS:** Provide the name, address, and phone number for the owner. Provide the CA numbers and renewal dates and email addresses for the engineer and the surveyor. Add a leading zero to the degree descriptions along North New Haven Avenue on the face of the plat (i.e. 01° instead of 1°). The plat is marked "Final Plat" at the bottom of the sheet and should read Preliminary Plat. Add the phrase "date of preparation" before the date at the bottom of the sheet. Submit a subdivision control data form (Appendix D), in which the first point shall be the point of beginning with two other points on or near the plats' boundary. Please provide a metes and bounds legal description of the subdivision with bearings and distances to match the face of plat.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department and Development Services staff must be taken care of to their satisfaction.

**Standard Conditions:**

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

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Stirling "aye"; no "nays"; none "abstaining"; McArtor, Shivel, Walker "absent") to **APPROVE** the preliminary plat for Fire Safety Training Center Addition per staff recommendation and subject to special conditions and standard conditions.

\* \* \* \* \*

- 16. PUD-768-A – Roy D. Johnsen/Sunny Investments, LLC,** Requesting **OL/CS/PUD-768 to OL/CS/PUD-768-A Abandonment of PUD-768,** Location: East of the northeast corner U.S. Highway 75 South and West 71<sup>st</sup> Street, (Major Amendment to abandon PUD-768 in favor of the proposed PUD-783.) (CD-2) (Related to Item 17, PUD-783) (Continued from 3/2/11)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** **ZONING ORDINANCE:** Ordinance number 21996 dated February 13, 2009, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-648-B April 2010:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South and abutting west of subject property.

**Z-6001-SP-2/PUD-648-A June 2007:** All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South and abutting west of subject property.

**Z-7052/PUD-738 May 2007:** All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development on property located at the southwest corner of West 71<sup>st</sup> Street South and South Elwood Avenue.

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets.

**Z-6001-SP-1/PUD-648 May 2001:** A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71<sup>st</sup> Street and U. S. High 75 South and abutting west of subject property. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

***AREA DESCRIPTION (see also PUD-783):***

**SITE ANALYSIS:** The subject property is approximately 5± acres in size and is located east of northeast corner U.S. Highway 75 South and West 71<sup>st</sup> Street. The property appears to be vacant and is zoned OL/ CS/ PUD-768.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by 71<sup>st</sup> Street South and then the Tulsa Hills Regional Shopping Center, zoned CO; and on the west by the Olympia Medical Park, a mixed medical park/hotel and related use development, zoned CO/PUD-648/PUD-648-A. Tulsa Hills and other related low to high intensity uses are developing in this area.

**UTILITIES:** The subject tract has municipal water and sewer available.

**TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan designates West 71<sup>st</sup> Street as a Commuter Corridor. The Plan describes Commuter Corridors as streets that are designed with multiple lanes divided by a landscaped median or a continuous two-way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

**TULSA CITY-COUNTY MAJOR STREET & HIGHWAY PLAN:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West 71 <sup>st</sup> Street South	Primary arterial	120'	6

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

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

PUD-768 is being abandoned in favor of the proposed PUD-783. PUD-768-A removes approximately 1.5 acres of site adjacent and to the east of proposed PUD-783 and returns it to the underlying straight CS zoning. With straight CS zoning on the 1.5 acre tract, combined with proposed zoning code amendments such as allowing residential uses in CS districts and the future rewrite of the Zoning Code, staff can support the abandonment. Staff contends that PUD-768-A is in accord with the Plan.

### **STAFF RECOMMENDATION:**

PUD-768 comprises 6.39 gross acres located approximately 1100 feet east of the northeast corner of the intersection of U.S. Highway 75 and West 71<sup>st</sup> Street South. The Site fronts 71<sup>st</sup> Street for a distance of 527 feet and extends north from 71<sup>st</sup> Street a distance of 579 feet.

Tulsa Hills is located across from the Site on the south side of 71<sup>st</sup> Street, the west boundary of the site adjoins Olympia Medical Park and the north and east boundaries of the site are adjoining vacant properties located within an AG Agriculture District.

The south 330 feet of the property is zoned CS Commercial Shopping District and the balance of the property is zoned OL Office Low Intensity District. PUD-768 was planned as a mixed use commercial development, including retail, hotel, restaurant, drive-in restaurant and office uses. The PUD was affirmatively recommended by the Tulsa Metropolitan Area Planning Commission on December 17, 2008 and approved by the Tulsa City Council on January 15, 2009.

At the time of the approval of PUD-768, Tapp Development Corporation was the intended developer. An affiliated entity, Sunny Investment Properties, L.L.C. is the owner of 5.02 acres of the property and The McGonigal Family Trust is the owner of 1.37 acres of the property. It was initially intended that the McGonigal

1.37 acre parcel would be purchased by the developer, but for various reasons, including difficult infrastructure issues and market conditions, the purchase did not occur and the proposed development of PUD-768 is no longer viable.

The remaining 5.02 acres is under application as PUD-783, also appearing on the March 2, 2011 agenda of the TMAPC. QuikTrip Corporation is proposing the development of a QuikTrip store on 2.18 acres (net) of the Sunny Investment Properties parcel. Upon review by The McGonigal Family Trust and Sunny Investment Properties, L.L.C, agreement was reached that PUD-768 should be abandoned in its entirety. The McGonigal Family Trust has advised that it is supportive of the proposed QuikTrip.

Provided the aforementioned, in combination with the pending application for PUD-783, staff can support the abandonment request and recommends APPROVAL of major amendment PUD-768-A subject to the following conditions:

1. The underlying zoning on the 1.5 acre tract described in the attached legal description and known as "The McGonigal Tract" return to the underlying straight CS zoning.
2. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC:

**TAC Comments:**

**General:** No comments.

**Water:** The water requirements from PUD-768 will be required during the development of the tract known as PUD-783.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation:**

- **MSHP:** 71<sup>st</sup> St. S., between S. Elwood Ave and US-75, is designated primary arterial.
- **LRTP:** 71<sup>st</sup> St. S., between S. Elwood Ave and US-75, planned 6 lanes.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in future development.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Stirling "aye"; no "nays"; none "abstaining"; McArtor Shivel, Walker "absent") to recommend **APPROVAL** of the major amendment for PUD-768-A abandonment of PUD-768 per staff recommendation.

**Legal Description for PUD-768-A:**

A TRACT OF LAND IN THE SE/4 OF SECTION 2, T18N-R12E, I.M., TULSA COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE/4 OF SECTION 2, T18N-R12E; THENCE N1°14'59"W ALONG THE WEST LINE OF SAID SE/4 A DISTANCE OF 659.59 FEET; THENCE N89°09'00"E A DISTANCE OF 331.82 FEET; THENCE S1°15'40"E A DISTANCE OF 354.70 FEET; THENCE N89°09'17"E AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 195.70 FEET; THENCE S1°11'00"E A DISTANCE OF 304.92 FEET TO A POINT ON THE SOUTH LINE OF SAID SE/4; THENCE S89°09'17"W ALONG THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 527.24 FEET TO THE SOUTHWEST CORNER OF SAID SE/4 AND THE POINT OF BEGINNING.

\* \* \* \* \*

**17. PUD-783 – Roy D. Johnsen/Sunny Investments, LLC,** Requesting **CS/OL/PUD-768 to CS/OL/PUD-783**, Location: East of the northeast corner of U.S. Highway 75 South and West 71<sup>st</sup> Street, (PUD proposes a QuikTrip store for the 2.18 acres fronting 71<sup>st</sup> Street and the interior 2.24 acres is planned for mixed-use commercial development) (CD-2) (Related to Item 16, PUD-768-A) (Continued from 3/2/11)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21996 dated February 13, 2009, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-648-B April 2010:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South and abutting west of subject property.

**Z-6001-SP-2/PUD-648-A June 2007:** All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South and abutting west of subject property.

**Z-7052/PUD-738 May 2007:** All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development on property located at the southwest corner of West 71<sup>st</sup> Street South and South Elwood Avenue.

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets.

**Z-6001-SP-1/PUD-648 May 2001:** A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71<sup>st</sup> Street and U. S. High 75 South and abutting west of subject property. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 5± acres in size and is located east of northeast corner U.S. Highway 75 South and West 71<sup>st</sup> Street. The property appears to be vacant and is zoned OL/ CS/ PUD-768.

**UTILITIES:** The subject tract has municipal water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by 71<sup>st</sup> Street South and then the Tulsa Hills Regional Shopping Center, zoned CO; and on the west by the Olympia Medical Park, a mixed medical park/hotel and related use development, zoned CO/PUD-648/PUD-648-A. Tulsa Hills and other related low to high intensity uses are developing in this area.

A larger version of the item below is attached as Exhibit A-1

**TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan designates West 71<sup>st</sup> Street as a Commuter Corridor.

The Plan describes Commuter Corridors as follows:

## **TULSA CITY-COUNTY MAJOR STREET & HIGHWAY PLAN:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West 71 <sup>st</sup> Street South	Primary arterial	120'	6

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

The Tulsa Comprehensive Plan identifies the project area as an Area of Growth and as a Mixed Use Corridor. Large versions of the graphics below are attached.

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

The development pattern and intensity for this site was established with the approval of PUD-768 in 2008. PUD-768 is being abandoned in favor of this proposal solely to remove the approximately 1.5 acres site adjacent and to the east of the subject tract. The proposed uses for the new PUD are in keeping with the original intent of PUD-768, eliminating Use Unit 18 – Drive-In Restaurants as a permitted use. Therefore staff contends that PUD-783 **may be found** in accord with the Plan.

## **STAFF RECOMMENDATION:**

PUD-783 is an approximately 4.4 acre tract located east of the northeast corner of West 71<sup>st</sup> Street South and US Highway 75, adjacent to the Olympia Medical Park. The site gradually slopes from south to north; with elevations ranging from 740-feet along West 71<sup>st</sup> Street to approximately 715 to 720-feet along the northern boundary of the site (see Exhibit D). Associated with PUD-783 is major amendment application PUD-768-A also appearing on the March 3, 2011 agenda of the TMAPC.

The purpose of the abandonment of PUD-768 is to eliminate the approximately 1.5 acre tract adjacent to the east of the property subject of this application and to eliminate Use Unit 18 – Drive-In Restaurant as a permitted use of PUD-783. No change of the existing underlying zoning districts is needed or proposed.

The Tulsa Hills Regional Shopping Center is located across from the Site on the south side of West 71<sup>st</sup> Street; the west boundary of the Site adjoins Olympia

Medical Park; the north boundary abuts vacant land zoned AG containing extensive floodplain land; and the east boundary of the Site is adjoining vacant property zoned CS - Commercial District along the West 71<sup>st</sup> Street frontage.

The site has excellent accessibility with direct access to West 71<sup>st</sup> Street sharing a signalized point of access with Tulsa Hills. PUD-783 also has convenient access to the four-way interchange of US Highway 75 and West 71<sup>st</sup> Street.

PUD-783 proposes a QuikTrip store for the 2.18 acres fronting 71<sup>st</sup> Street and the interior 2.24 acres is planned for mixed use commercial development, which may include retail, hotel, restaurant, office uses at a future date. Staff hopes to see a mixed use, pedestrian friendly development on the rear of the property that links with the surrounding developed properties.

The planned unit development is submitted to achieve development flexibility pertaining to the location of permitted uses, allocation of permitted floor area, building height, and setbacks. The PUD is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses and development standards and conditions to be followed by detailed site plans of each phase of development submitted to and approved by the TMAPC.

PUD-783 was previously approved essentially as PUD-768. With the abandonment of PUD-768, this application decreases the permitted intensity of development with proposed development standards which are basically the same as PUD-768. As a result, staff can support the application.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-783 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-783 subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

#### **DEVELOPMENT AREA A**

**Net Land Area: 2.18 acres 94,952 SF**

**Permitted Uses:**

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 - Shopping Goods and Services and uses customarily accessory to permitted principal uses.

**Maximum Building Floor Area (.08 FAR):** 8,000 SF

**Minimum Building Setbacks:**

From 71 <sup>st</sup> St. ROW:	25'
From west boundary:	11'
From other boundaries:	11'

**Maximum Building Height:** 40'

**Off-street Parking:**

As required by the applicable use unit within the Tulsa Zoning Code

**Minimum Landscaped Area:** 10% of net lot area

**Lighting:**

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjacent residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

**Signs:**

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of building wall or canopy to which the sign is affixed.
- (b) One monument style sign not exceeding 25 feet in height and 134 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other development areas. The sign shall be located along the 71<sup>st</sup> St. frontage and shall not exceed 25 feet in height and 250 square feet of

display surface area and will be located no less than 100 feet from any other sign.

## **DEVELOPMENT AREA B**

**Net Land Area:** 2.24 acres      97,138 SF

**Permitted Uses:**

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods And Services; Use Unit 14 -Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities and uses customarily accessory to permitted principal uses.

**Maximum Building Floor Area (.48 FAR):**                      46,682 SF

**Minimum Building Setbacks:**

From west boundary of the PUD:	11'
From north boundary of the PUD:	11'
From other boundaries of the PUD:	17.5'

**Maximum Building Height:**                      80' provided that, within 50' of the north boundary line, building height shall not exceed 35'

**Off-street Parking:**

As required by the applicable use unit within the Tulsa Zoning Code

**Minimum Landscaped Area:**                      10% of net lot area

**Lighting:**

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet, provided that within 50 ft. of the north boundary line, no light standard shall exceed 15 feet in height.

**Signs:**

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of building wall to which the sign is affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within the project identification sign as permitted at the perimeter entry from 71<sup>st</sup> St. within Development Area A.

**General Provisions for Both Development Areas****Landscaping and Screening**

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from 71<sup>st</sup> Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than ten feet shall be maintained along the 71<sup>st</sup> Street frontage. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A screening wall or fence not less than six feet in height and a landscaped area of not less than five feet shall be maintained along the north boundary of Development Area B.

**Access and Pedestrian Circulation**

Access is to be derived from 71<sup>st</sup> Street and a mutual access easement will be established between Area A and Area B and between Area A and the property adjoining the east boundary of Area A.

Sidewalks will be provided, if not currently existing, along West 71<sup>st</sup> Street. Additional internal pedestrian circulation for Development Area A, including separate pedestrian walkways connecting the building front to the West 71<sup>st</sup> Street sidewalks and providing for future access to Development Area B, will be provided and will be subject to detail site plan review.

Internal pedestrian circulation connecting Development Area B to Development Area A will be subject to detail site plan review and approval at the time Area B is developed.

### **Parcelization**

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot-split application and subject to the further approval of as minor amendment by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

### **Transfer of Allocated Floor Area**

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area is to be made. Such transfer of floor area shall be subject of a PUD minor amendment and approved by the Tulsa Metropolitan Area Planning Commission.

3. Development may be phased. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, pedestrian access and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. If private streets were proposed, the City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
10. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and are outlined below.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** No comments.

**Water:** Development A has access to a existing 8-inch waterline along 71<sup>st</sup> St S. but development B will require a IDP looped waterline extension; inside a 20' restrictive waterline easement to serve its development.

**Fire:** Fire Hydrants may be required for future development on Dev B.

**Stormwater:** No comments.

**Wastewater:** Sanitary Sewer Service must be provided to the proposed development area through a mainline extension.

**Transportation:** There should be a mutual access easement to the north lot, and to the property to the east.

**INCOG Transportation:**

- **MSHP:** 71<sup>st</sup> St. S., between S. Elwood Ave and US-75, is designated primary arterial.

- **LRTP:** 71<sup>st</sup> St. S., between S. Elwood Ave and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

**Traffic:** No comments.

**Airport Authority:** The airport requests that FAA form 7460-1 be submitted prior to development of both Area A and Area B.

**GIS:** No comments.

**Street Addressing:** No comments.

### **TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated that staff would have supported this request without the abandonment of PUD-768 because it fits well within the subject area.

In response to Ms. Cantrell's questions regarding pedestrian circulation, Mr. Sansone stated that staff will be looking at this closely during detail site plan. Mr. Sansone cited what he would be looking for in the detail site plan during review.

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

**Roy D. Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing QuikTrip Corporation, stated that he visited with staff many times regarding this subject property and he believes that they have submitted a good solution for the difficult tract of land. Mr. Johnsen indicated that he is in agreement with the staff recommendation and he is mindful of the pedestrian considerations.

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

### **TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Stirling "aye"; no "nays"; Dix "abstaining"; McArtor Shivel, Walker "absent") to recommend **APPROVAL** of PUD-783 per staff recommendation.

### **Legal Description for PUD-783:**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, OKLAHOMA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE/4; THENCE N 1° 14' 59" W AND ALONG THE WEST LINE OF SAID SE/4 A DISTANCE OF 659.59 FEET; THENCE N 89°

09' 00" E A DISTANCE OF 331.82 FEET; THENCE S 01° 15' 40" E A DISTANCE OF 659.62 FEET TO A POINT ON THE SOUTH LINE OF SAID SE/4; THENCE S 89° 09' 17" W AND ALONG THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 331.95 FEET TO THE POINT OF BEGINNING. THE BEARINGS FOR SAID TRACT IS BASED ON A BEARING OF S 89° 09' 17" W ALONG THE SOUTH LINE OF SAID SE/4

\*\*\*\*\*

**18.Z-7165 – Jones, Gotcher & Bogan, P.C./Robert Christie**, Requesting **RS-3 to PK**, Location: South of southwest corner of East 11<sup>th</sup> Street and South Vandalia Avenue, (CD-4) (Related to Item 19, Final Plat Z-7165) (Continued from 3/2/11)

**STAFF RECOMMENDATION:**

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

**RELEVANT ZONING HISTORY:**

**PUD- 510 July 1994:** All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land for church and residential use, on property located south of southwest corner of East 11<sup>th</sup> Street and South Yale Avenue and southeast of subject property.

**BOA-14871 July 21, 1988:** The Board of Adjustment denied a Special Exception to allow for off-street parking in an RS-3 district; finding that the granting of the request would be an encroachment of business and detrimental to the neighborhood, on property located at 1116 South Vandalia Avenue and the subject property.

**BOA-5207 September 14, 1966:** The Board of Adjustment approved a request to permit off-street parking in residential zoning, on Lot 17, Block 1, Beverly Heights Addition, also known as south of southeast corner of East 11<sup>th</sup> Street and South Toledo Avenue and west of subject property.

**BOA-2417 May 13, 1953:** The Board of Adjustment approved a request to permit a dentist office in a residential zoning, on Lot 19, Block 1, Amended Blocks 1 & 2, Rose Marie Addition, also known as 1115 South Urbana Avenue and abutting west of the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .25± acres in size and is located south of the southwest corner of East 11<sup>th</sup> Street and South Vandalia Avenue. The property is vacant and zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by office uses, zoned OL and by a single-family residential use, zoned RS-3; on the north by commercial uses, zoned CH; on the south by single-family residential uses, zoned RS-3; and on the west by single-family residential uses, zoned RS-3.

**UTILITIES:** The subject tract has municipal water and sewer available.

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate South Vandalia Avenue. East 11<sup>th</sup> Street appears to be designated as a multi-modal corridor, intended to accommodate transit, bicycle, pedestrian and auto traffic. The Major Street and Highway Plan designates East 11<sup>th</sup> Street as a secondary arterial, having 100' of right-of-way.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South Vandalia Avenue	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The comprehensive plan designates this property as a Main Street, in conjunction with the adjacent property to the north fronting on East 11<sup>th</sup> Street. Main streets, according to the plan, are to serve the highest intensity retail and mixed land uses and are to be designed to promote walking, bicycling and transit within an attractive landscaped corridor. Main streets are to be designed to offer the ability to park once and walk to several destinations, with parking to be provided on street or shared off street among multiple entities. The PK zoning is in accord with the comprehensive plan.

The comprehensive plan also designates this as an area of growth, in order to direct allocation of resources and channel growth to best improve access to jobs, housing and services. Emphasis in these areas is on providing housing choices and alternate modes of transportation.

**STAFF RECOMMENDATION:**

The requested parking (PK) zoning would provide a buffer between the commercial/office and institutional uses to the north and the residential neighborhoods to the south, east and west. Screening will be required for all sides abutting residentially-zoned property, either by a screening wall or fence 6' high on the immediately adjacent sides or by a 3' high screening wall, fence or landscaped berm if separated by a non-arterial street. Staff can therefore recommend **APPROVAL** of PK zoning for Z-7165.

**Applicant's Comments:**

**Sara Smith**, 15 East 5<sup>th</sup> Street, Suite 3800, 74103, representing Mr. Robert Christie, stated that a meeting with the neighborhood was held last Friday, which was attended by twelve to fifteen people. She indicated that she just read Councilor Barnes's letter (Exhibit A-1), which indicates that most of the neighbors still are not in favor this application. Ms. Smith stated that her client has informed her that several neighbors have approached him since the meeting and are no longer against the proposal.

Ms. Smith stated that her client owns the subject property and she submitted photographs of the subject property (Exhibit A-2). There is no alley that separates the existing building from the subject lot. The subject lot is overgrown with pieces of broken driveway from a home that has been gone for over 25 years. There is a history of cars parking along Vandalia in front of the homes in order to access the retail center. The subject property would contain those cars and provide a buffer. Ms. Smith further stated that this proposal is in conformance with the Comprehensive Plan. Ms. Smith indicated that her client is willing to do whatever is required of him. Her client needs the parking area to bring in quality businesses.

**TMAPC COMMENTS:**

In response to Mr. Dix, Ms. Smith stated that there is some additional parking behind the existing building, but it is narrow and there is a curb that separates it from the subject property and it is more for deliveries than parking. She indicated that the proposed parking lot would be accessed through the drive located behind the existing businesses and wouldn't have an additional entrance farther south.

In response to Mr. Leighty, Ms. Smith stated that the existing fence issue is due to a fence that was destroyed during one of the storms and a neighbor went out and tied it up with some wire. She understands that if this rezoning is approved the fence issue will be remedied by putting a privacy fence.

**INTERESTED PARTIES COMMENTS:**

**Tracy D. Johnson**, 4606 East 11<sup>th</sup> Street, 74112, stated that his property adjoins Mr. Christie's property and he is in favor of the proposal. He would like to see the center full with profitable businesses. An empty strip center doesn't keep the property values up. When one drives from Yale to Lewis there are many businesses that do not have enough parking and it becomes a safety issue to back across lanes of traffic. The rear parking lot will be a real safety improvement. Mr. Johnson indicated that he has seen the proposed drawings and believes it will be invisible to the neighborhood with the six-foot privacy fence with landscaping. He knows that in the past Mr. Christie has tried to keep the vacant lot mowed.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she visited the subject area and she was amazed at how many empty parking lots there were in the subject area. In response, Mr. Johnson stated that his business adjoins Mr. Christie's property to the west and across the street are car lots and people do not park in the car lots; they park along the street and back into traffic.

Mr. Dix stated that the aerial shows that what little parking that is available is in front of the building, which is only about ten to fifteen feet in length, which causes traffic back into oncoming traffic. The proposed parking would alleviate that situation.

**INTERESTED PARTIES COMMENTS:**

**Mark Fry**, 4620 East 11<sup>th</sup>, 74112, stated that he has an office and there is not enough parking in the front and it is safety issue having to back into the traffic. There is parking in the back, but it is too tight and cars have to park parallel to the curb. Mr. Fry indicated that he is in support of the proposal.

**Penny Smallwood**, 1122 East Vandalia, 74112, stated that her property adjoins the subject property on the south. She indicated that she is representing several neighbors who are unable to attend today.

Ms. Smallwood stated that two weeks ago she attended the TMAPC meeting when Mr. Midget spoke truthfully when he shot his mouth off and said "haven't we already made this decision before we go here" and he covered up very nicely, but we believe his statement. There were a number of skeptics who felt there was no point in coming here today. Ms. Smallwood stated that Maria Barnes can tell everyone that the neighborhood meeting was hostile; however, she was unable to attend the meeting because her boss wouldn't let her off in time. Ms. Smallwood stated that she is opposed to this proposal. Ms. Smallwood asked who will inspect this if it is approved and make sure that she doesn't receive any back drainage from the people on the west side of this proposal.

**TMAPC COMMENTS:**

Mr. Leighty informed Ms. Smallwood that the City of Tulsa would enforce the requirements and inspect the proposal.

Mr. Leighty stated that no one on the Planning Commission has made up his/her mind to this minute, let alone last week or two weeks ago. Ms. Smallwood stated that Mr. Midget sounded very truthful at the first meeting that it was a done deal. Mr. Leighty asked Ms. Smallwood not to jump to conclusions and he believes that there may have been a misunderstanding. No one has made up his/her mind on this case.

Mr. Midget stated that he apologizes if Ms. Smallwood misunderstood what he was stating at the first meeting. During the last discussion his point was to

encourage the applicant to meet with the residents because no matter what decision we make this applicant will have to go before the City Council for a final decision. Mr. Midget further stated that he did not indicate, at that time, his support either for or against this application. Ms. Smallwood expressed concerns about lighting because whores and drunks go up and down that street. Mr. Leighty assured Ms. Smallwood that there will be some lighting standards required.

Mr. Carnes stated that he has found it to be a great advantage to a neighborhood, when there has been an existing lot empty lot is redeveloped, because under the Zoning Code for parking there is 15 percent landscaping, screening fence and they have to now maintain it. The lighting is subject to the Code and is very well regulated.

Ms. Smallwood expressed concerns with the layout of the parking lot because she is concerned that a car may crash through her home if they accidentally hit the gas instead of the brake while parking. She would like the parking to face another direction and not toward her home, since she knows he is going to get this rezoning.

Mr. Leighty encouraged Ms. Smallwood to discuss her concerns with the applicant and to have an open dialogue with the applicant. Ms. Smallwood stated that she is dependent on what the applicant wants to do.

**TMAPC COMMENTS:**

Mr. Liotta asked Ms. Smith if there is any likelihood of another home being built on the subject property. In response, Ms. Smith stated that when her client purchased the commercial property the subject lot was part of the package. Her client is in the commercial real estate business and building homes is not an investment he wishes to make at this time.

**INTERESTED PARTIES COMMENTS:**

**Mike Mears**, 4622 East 11<sup>th</sup> Street, 74112, stated that he is a business owner in the subject building and has been there since 2001. Mr. Mears commented that when Mr. Christie purchased the building he improved it and the subject property. Mr. Mears indicated that he is in support of the application.

**TMAPC COMMENTS:**

Mr. Leighty thanked Councilor Barnes for her role in trying to organize the meeting between the neighbors and the applicant. Councilor Barnes declined to speak.

Mr. Liotta stated that he has never walked into a TMAPC meeting with a preconceived idea of how he would vote on any issue and he doesn't believe that of any of the Planning Commissioners on this Commission. Mr. Liotta thanked Mr. Leighty for his comments earlier on this subject.

Mr. Carnes stated that in the past he has seen vacant lots redeveloped with landscaping and lighting being an asset to a neighborhood and not a liability. He doesn't think anyone on the TMAPC would vote for something that they believe would be a liability to the neighborhood. Mr. Carnes further stated that he would be supporting this application.

Mr. Leighty stated that he will be supporting the application, but it has been a tough call. This is in accord with the new Comprehensive Plan. For a number of reasons this proposal will allow for off-street parking and eliminates the need or necessity for people to back onto 11<sup>th</sup> Street. He believes that this will be an asset and will abate the transient problems.

Mr. Dix stated that he will support this application, but not because he came in with a preconceived notions. Mr. Dix explained that he reviews the packet that is mailed to him prior to the meeting. The subject property is in the new area of growth for the new Comprehensive Plan and it is adjacent to CH zoning. The aerial photograph shows that there is minimal parking in front and creates a dangerous situation for cars to back out onto 11<sup>th</sup> Street. This is a first step in making the strip centers viable and he doesn't see it as an intrusion into the neighborhood. Mr. Dix stated that he supports this application for the merits of the project.

Ms. Cantrell stated that it looks like this application is clearly going to pass and she hasn't decided how she will vote yet. Whatever is decided today is a recommendation to the City Council and it will have to go through the City Council process. She strongly urged the developer to come to some type of compromise before going to the City Council regarding the direction of the parking.

Mr. Edwards stated that one of the things that the Planning Commission looks at as part of this Board is what is the highest and best use as a determination as whether this zoning change recommendation would be good for the neighborhood. The thought that someone would come in and put a residence there, he agrees with staff and the applicant, is that probably will not happen. Mr. Edwards stated that he is in support of this application, because it is the highest and best use for the subject property and it would support the commercial business and cut down on wrecks on 11<sup>th</sup> Street.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-1-0** (Carnes, Dix, Edwards, Leighty, Midget, Stirling "aye"; Cantrell "nay"; none "abstaining"; Liotta, McArtor Shivel, Walker "absent") to recommend **APPROVAL** of the PK zoning for Z-7165 per staff recommendation.

**Legal Description for Z-7165:**

LT 4 & N/2 of LT 5 BLK B1, ROSE MARIE ADDN AMD L4-21 B1 & ALL B2, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

- 19. Z-7165** – (9309) (CD-4) Plat Waiver, Location: 1116 South Vandalia, south of southwest corner of East 11<sup>th</sup> Street and South Vandalia Avenue (Related to Item 18, Zoning Case Z-7165.)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning from RS-3 (residential single family) to PK (parking).

***Staff provides the following information from TAC at their February 17, 2011 meeting:***

**ZONING:**

TMAPC Staff: The plat waiver is being prompted by a rezoning request to PK from RS-3. The waiver would be valid on the condition that the rezoning is granted.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORMWATER:**

Drainage from this lot and all lots adjacent to it must continue their existing drainage flow direction, to the northeast. The proposed parking lot cannot be allowed to block flow from existing lots of higher elevation, which currently flows across this lot. Drainage from this lot must continue to flow towards Vandalia Avenue.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted property on the condition that the rezoning as requested is approved.

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

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

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

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

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**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 **MIDGET**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; McArtor, Shivel, Walker "absent") to **APPROVE** the plat waiver for Z-7165 per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS**

- 20.** Proposed amendments of the Zoning Code, City of Tulsa, Oklahoma to Section 601, Table 1; Section 603, Table 3; Section 701, Table 1; Section 703, Table 2; Chapter 8; Section 902.A.1 and 2; Section 1106; Section 1212.C.1.a.; and Section 1212a.C.4.a. to attempt to provide Code amendments responsive to the new Comprehensive Plan. These are proposed "bridge" amendments until the Zoning Code will receive a thorough study and update. (Public Hearing closed 3/2/11 and final revision continued to 3/16/11.)

**STAFF RECOMMENDATION:**

Mr. Albery stated that this item is not to the point where he can present a final document today. Issues are still being discussed with regards to intent, interpretation and covering everything. Many times when an amendment is made, something gets overlooked and Ms. Cantrell has done a very good job of finding things we might want to consider. A definition for mixed-use needs to be added and Legal has a question as whether this can be done under the current advertisement.

Mr. Boulden stated that he is confident that the definition of the change is a necessary and related to where the specific provisions has to be amended and it is appropriate, but the notice is not broad enough to go beyond that.

After discussion it was determined to continue this item to April 6, 2011.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; McArtor, Shivel, Walker "absent") to **CONTINUE** Item 20 to April 6, 2011.

## **21. Commissioners' Comments**

Mr. Leighty stated that he would like to revisit Item 18 and asked if there is a way to look into a way to have some input on the type of lighting that would be allowed, etc. In response, Mr. Alberty stated that there are two things the Planning Commission can do: 1) put those restrictions in the parent Zoning Code and make it more restrictive, but the Courts have upheld throughout the years, since 1923, that one cannot condition general zoning districts; 2) the applicant can do a PUD and that is how it has been addressed in the past. In the past the Planning Commission has continued zoning applications to allow the applicant to file a PUD and be heard together.

Mr. Carnes reiterated Ms. Cantrell's comments that the Planning Commission is a recommending Board to the City Council on zoning issues.

Mr. Midget stated that the thing that was driving him was that this application was consistent with the new Comprehensive Plan. This is strictly infill and he is compelled to leap forward and support the vision of the new Comprehensive Plan and desires of the citizens of Tulsa.

Discussion ensued regarding different types of lighting for security measures.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 1:50 p.m.

Date Approved:

4-6-2011

Ben Leighty

Chairman

ATTEST:

James L. Wether

Secretary