

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2603

Wednesday, June 1, 2011, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Midget	Alberty	Boulden, Legal
Carnes	Shivel	Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Perkins		Cuthbertson	
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 26, 2011 at 3:00 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:

Work Session Report:

Mr. Leighty reported that there will be a training session and work session on July 15, 2011.

Director's Report:

Mr. Alberty reported that there is no report for the BOCC and City Council agendas.

Mr. Alberty reported that the TMAPC receipts for the month of April 2011 are falling slightly from this time last year. The receipts are five percent behind for the fiscal year 2010.

Mr. Alberty reported that the selection committee for the zoning consultant has met and they have narrowed it down and anticipating interviews in the last part of June.

Minutes:

Approval of the minutes of May 18, 2011 Meeting No. 2602

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Liotta, Midget, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of May 18, 2011, Meeting No. 2602.

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.

2. **LC-341 – Mark Autry**, (Lot-Combination) (County) Location: East of the southeast corner of South 186th East Avenue and East 128th Street South
3. **LS-20436 – Roy D. Johnsen**, (Lot-Split) (CD-7) Location: Southwest of the southwest corner of South Yale Avenue and I-44
4. **Lot 1, Block 1, C. Emit Smith Addition**, (9404) (CD 6), (Change of Access on Recorded Plat), Location: 14139 East Admiral Place, north of Admiral Place, west of South 145th East Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift an existing access to the east along East Admiral Place and delete two existing access points. The property is zoned IL (industrial light).

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

5. **PUD-773 – David Gregory/Jack in the Box**, Location: North of the northwest corner 101st Street South and South Memorial Drive, Detail Site Plan for a 2,812 square foot restaurant, **CS/OL/RS-3/PUD**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 2,812 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-ins is a permitted use within the PUD.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from shared access from Memorial Drive. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting including building mounted will be limited to 14-feet in height and will meet all applicable shielding requirements per PUD standards for exterior lighting. A trash enclosure will be provided as required by the PUD. Sidewalks are provided along Memorial Drive as required by PUD Development Standards and Subdivision Regulations. Direct pedestrian access is provided from the sidewalk along Memorial Drive through the parking lot to the building front as required by the PUD. Pedestrian access which intersects with vehicular travel lanes shall be distinguished by the use of raised pavement or reflective striping on the ground as show on the site plan.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – NPG Business Complex.

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

6. **PUD-596-3 – Andrew Shank**, Location: South of the southeast corner of 116th Street South and South Hudson Court, Minor Amendment to reduce setback requirements to reflect as built conditions, **RS-1/PUD** (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce setback requirements to reflect as built conditions (see attached aerial photographs and exhibits). Specifically the applicant seeks to:

- Reduce the required front setback from 25 feet to 22 feet;
- Reduce the north side setback from five feet to four feet; and
- Reduce the south side setback from ten feet to seven feet.

The PUD Chapter of the Code allows by minor amendment, changes in building setbacks provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.

Staff contends the minor reductions in these setbacks will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development.

Staff recommends **APPROVAL** of minor amendment PUD-596-3.

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

7. **Z-7008-SP-1r – Sack & Associates/Mark Capron/Tulsa Hills – Lot 6 and Tract 6A**, Location: South of southeast corner West 71st Street South and South Olympia Avenue, Corridor Plan Minor Amendment to permit shared parking between Lot 6 and outparcel Tract 6A within the Tulsa Hills Regional Shopping Center, CO, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to permit shared parking between Lot 6 and outparcel Tract 6A within the Tulsa Hills Regional Shopping Center.

The development area made up of Lot 6 and Tract 6A exceeds required parking by 48 spaces. The request is to allow Tract 6A to share five spaces with Lot 6 which will accommodate a small outdoor seating area on Tract 6A.

The Tulsa Comprehensive Plan strongly encourages the use of shared parking. Twenty-four times the Plan refers to the need for increased shared parking as a means for enabling more efficient use of existing parking areas, while saving on construction and maintenance cost, and facilitating more compact urban development. Several existing developments in Tulsa already utilize shared parking arrangements including the northeast corner of 71st Street South and South Mingo Road, the southeast corner of 71st Street South and US-169, and many agreements between businesses on Cherry Street. The recently approved "the Walk", located at the southwest corner of Maybelle Avenue and West 81st Street South will also utilize shared parking.

While this instance may not be the ideal shared parking scenario given the development area as a whole is over-parked, staff contends sharing parking on any level is better than over-parking both tracts.

Staff recommends **APPROVAL** of minor amendment Z-7008-SP-1r.

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

8. **PUD-766-2 – Roy Johnsen/51 Yale**, Location: Southwest corner of South Yale Avenue and Interstate 44, Minor Amendment to allow an increase in permitted floor area, split Lot 4 to create Tracts 4A and 4B and reallocate floor area; and request an increase in permitted building height, **CS/CH/PUD**, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to:

1. Allow an increase in permitted floor area;
2. Split Lot 4 creating Tracts 4A and 4B and reallocate floor area; and
3. Request an increase in permitted building height.

Currently, PUD-766 permits a total of 311,909 square feet (SF) of floor area allocated to eight commercial lots as follows:

<u>Existing Lots</u>	<u>Acres</u>	<u>Square Feet</u>	<u>F.A.R.*</u>	<u>Allocated Floor Area</u>
Lot 1	.98	42,553.26	.25	10,638 SF
Lot 2	2.39	104,365.17	.90	94,156 SF
Lot 3	2.67	116,230.55	.67	77,590 SF
Lot 4	2.97	129,449.00	.25	31,670 SF
Lot 5	1.82	79,279.20	.25	19,870 SF
Lot 6	1.21	52,630.65	.25	13,155 SF
Lot 7	1.59	69,437.71	.25	17,360 SF
Lot 8	<u>2.84</u>	<u>123,611.76</u>	<u>.38</u>	<u>47,470 SF</u>
Total	16.47	717,557.30	.44	311,909 SF

The requested increase in floor area will be allocated as follows with the approval of lot-split LS-20436 also appearing on the June 1st TMAPC agenda:

<u>Proposed Lots</u>	<u>Acres</u>	<u>Square Feet</u>	<u>F.A.R.*</u>	<u>Proposed Floor Area</u>
Lot 1	.98	42,553.26	.25	10,638 SF
Lot 2	2.39	104,365.17	.90	94,156 SF
Lot 3	2.67	116,230.55	.71	77,590 SF
Lot 4				
Tract 4A	1.72	74,899.00	.84	63,220 SF
Tract 4B	1.25	54,550.00	.25	13,637 SF
Lot 5	1.82	79,279.20	.25	19,870 SF
Lot 6	1.21	52,630.65	.25	13,155 SF
Lot 7	1.59	69,437.71	.25	17,360 SF
Lot 8	<u>2.84</u>	<u>123,611.76</u>	<u>.39</u>	<u>47,470 SF</u>
Total	16.47	717,557.30	.50	357,096 SF**

** The proposed 45,187 SF increase in total permitted floor area represents a 14.4% increase.

Please refer to the attached zoning map. The 717,557 SF site would allow no less than 358,778 SF of commercial floor area. However, this number is misleading because approximately one-third of the site is zoned CH in which

there is no floor area limit. Since the request falls within the 15% limit for minor amendments within section 1107, H-4 of the Code, staff can support the request.

The applicant is also requesting an increase in permitted building height on Tract 4A only from three-stories and 35 feet to five stories and 75 feet. At the time of the approval of PUD-766 it was contemplated that Lot 4 would be developed with a restaurant or retail use. However, the hotel use was also contemplated for Lot 4 since it is a permitted use on the lot.

Please refer to the attached aerial photograph of the proposed site as well as, the attached site plan. There is an apartment complex located adjacent to the proposed tract to the west. Interstate 44 (I-44) is immediately adjacent to the north with commercial property to the south and east. On the west side, the subject tract is immediately adjacent to a parking lot for the apartments, with the nearest apartment building being approximately 125-feet away from the nearest point of the hotel building. Given the lot location immediately adjacent to I-44, staff contends this lot is better suited for the hotel use.

Staff does not view the proposed changes as substantially altering the approved development plan, PUD standards, or the character of the development. Therefore, staff recommends **APPROVAL** of minor amendment PUD-766-2.

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

9. **PUD-411-C – Sack & Associates/Mark B. Capron/Jim Norton Center IV**,
Location: East of the northeast corner of 98th Street South and South Memorial Drive, Detail Site Plan for a 30,765 square foot automobile restoration service, **CO/PUD**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 30,765 square foot (SF) automobile restoration service. The proposed use, Use Unit 17 – Automobile and Allied Activities is a permitted use in PUD-411-C.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from 98th Street South. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and Landscape Chapters of the Zoning Code with a 30-foot wide landscape buffer on the east side of the site as required. There is no site lighting proposed at this time. A trash enclosure will be provided as required by the PUD. Pedestrian access is being provided from the front of the building directly to the sidewalk located along 98th Street South. Pedestrian access to the Creek Turnpike Trail is also provided

along the east side of the tract as required. A seven-foot masonry wall on the east side of the trail access serves as the site screening between the subject tract and the Ridge Pointe II subdivision as permitted by minor amendment. Security fencing for the subject tract will be provided along the west side of the 30-foot landscape buffer.

Staff recommends **APPROVAL** of the detail site plan for Lot 1/Tract 4-A2, Block 1 – Jim Norton IV.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

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, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Liotta, Midget, Shivel, Walker "absent") to **APPROVE** Items 2 through 9 per staff recommendation.

Mr. Leighty stated that Item 15, CZ-407/PUD-566-A, has requested a continuance to June 15, 2011.

15. CZ-407/PUD-566-A – Bill Breisch, Location: Northwest corner of West 41st Street and South 57th West Avenue, Requesting **CS/OL/RS/PUD-566 TO AG/CS/OL/PUD-566-A** and Major Amendment, (County)

STAFF RECOMMENDATION:

The applicant has requested a continuance to June 15, 2011 due to health issues.

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Stirling "aye"; no "nays"; Walker "abstaining"; Liotta, Midget, Shivel "absent") to **CONTINUE** CZ-407/PUD-566-A to June 15, 2011.

Applicant's Comments:

Rex Goad, 1403 North McKinley, Sand Springs, 74063, stated that he is representing Mr. Breisch and explained that Mr. Breisch recently had surgery and couldn't be present today.

ZONING CODE AMENDMENTS PUBLIC HEARINGS:

10. Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area.

STAFF RECOMMENDATION:

As directed in the City Council Consensus 2011-07, TMAPC staff has been researching other cities' practices with regard to policies on temporary storage buildings, structures, facilities and uses within residentially zoned areas. A public hearing to receive input from members of the storage industry and neighborhoods has been scheduled for Wednesday, June 1, 2011 at 1:30 p.m. before the TMAPC. At that time staff will brief the Planning Commission on preliminary identification of the various issues that other cities have addressed and the manner in which they have addressed them. Following the June 1 public hearing, staff will compile the comments and develop recommendations for the TMAPC to review and forward, if so approved, to the City Council.

To date, the commonly-identified issues include location of the facility on the property, length of time the structure is allowed to remain, size of the facility, whether advertising (other than the name of the facility's owner) is allowed and in which code such issues are addressed.

Mr. Liotta in at 1:48 p.m.

Ms. Matthews reported that notice was published and sent to the registered Homeowner Associations.

ISSUES IDENTIFIED WITH PODS AND WASTE CONTAINERS, TO DATE:

- 1. Location of the storage facility
 - a. On the property-on paved area or on grass/dirt
 - b. In the right-of-way
 - c. In the front, side or rear of the property

- 2. Is screening required?

3. Length of time a storage container is allowed to remain on the property
 - a. Number of consecutive or total days within a given amount of time
 - b. Number of days, if construction or demolition is involved, the container may remain of the property or right-of-way after construction or demolition is complete
4. Size of storage facility allowed
5. Is a permit required?
 - a. How is that enforced?
 - b. Who inspects it?
 - c. Is the permit required to be posted on the storage container owner allowed on the container?
 - d. Can the permit be issued administratively?
6. Is advertising other than the name of the storage container owner allowed on the container?
7. Under which code is the container issue addressed?
8. Is there a maximum number of containers allowed on one property at any given time?
9. Is there a spacing or setback requirement for the container?
10. Is insurance proof required?
11. Are reflectors or other types of warning signs required to be placed on containers?

TMAPC COMMENTS:

Ms. Cantrell asked if these structures are allowed in the right-of-way today. In response, Ms. Matthews stated that the City of Tulsa puts them in the right-of-way today. Mr. Boulden stated that there are rights-of-way occupancy permits issued and it may authorize it. Mr. Boulden further stated that the City allows temporary use in rights-of-ways during construction activities. Mr. Steele stated that there is a temporary use right-of-way permit through David Young and the fee is usually based on number of lanes and the amount of time.

Mr. Perkins asked if trade associations were notified of today's meeting. In response, Ms. Matthews stated that the ones that could be identified were given notice.

INTERESTED PARTIES COMMENTS:

Bob Hill, 325 W 8th Street, Jacksonville, IL 62650, owner of PODS, stated that most people use the PODS for moving purposes and they are typically of short

duration. The PODS are primarily used for residential, but sometimes contractors and remodelers will use them for storage. Anything to be stored for a long duration is stored in the warehouse at Green Valley Center. He indicated that less than ten percent might be placed in the street because there isn't room for a driveway. His equipment must have 14 feet of clearance to place the POD. The container does fit in a parking spot and are not in the right-of-way.

Mr. Hill indicated that over 5,000 houses in Tulsa have used his company in the last seven years; however, if there were a setback requiring it to be behind their homes or a building that wouldn't have been possible. His clients prefer to have the unit in their driveway or yard so that they can load in a timely manner and not be in a rush to load and move in one day.

Mr. Hill stated that he own other franchises in large cities and he would be glad to answer any questions about their ordinances and requirements.

TMAPC COMMENTS:

Mr. Boulden stated that he would like to know more about ordinances from other jurisdictions and which ones Mr. Hill believes are good and ones that he believes are bad. Mr. Hill stated the more restrictive ordinance that he has seen is in St. Louis. They allow two one week permits on the street and 30 days if it is on their private property, unless there is a building permit. St. Louis allows his company to order the permits for his clients. His company faxes the location of the POD and then they fax a permit for \$25.00 per week if it is in the street or \$25.00 per month if it is located on the resident's property. The Street Department enforces the permits.

Mr. Boulden asked if the containers have any type of reflector material. Mr. Hill stated that PODS have reflectors on all four corners.

Mr. Leighty asked Mr. Hill if he allows any signage other than his own on the structures. In response, Mr. Hill stated that the only signage is his company signage and logo.

Ms. Cantrell asked what the average length a pod remains on someone's property. Mr. Hill stated that the average length of rental for moving customer is 87 days, but 95 percent of those containers are in the warehouse. The convenience of the client being able to load the pod is charged by the month, and then it is taken to the warehouse until the client is ready for it at their new location. On-site storage is for a lesser duration of approximately 30 days.

Mr. Hill stated that it is important, in his opinion, that if there is a fee involved, it would be an easy process for the citizens similar to St. Louis. Mr. Hill commented that he has never been cited in three or four years for not having a permit.

Mr. Hill stated that he has a total of 500 containers in Tulsa and two-thirds of them are in inventory. The full pods are stored inside and the empty pods are stored outside on the lot.

INTERESTED PARTIES COMMENTS:

Councilor Christiansen, City Council District 8, stated that he became involved in this issue because a constituent called him about a temporary storage unit, "POD", that has been in the same spot for two years. This is located in the side yard and if it were in the front yard, the storage unit would be moved due to the ordinance, but since it is in the side yard there is no ordinance to force its removal. Working In Neighborhoods has discussed this issue with the property owner and at this time it is legal for the unit to be there.

Councilor Christiansen requested the Planning Commission to look at this issue and possibly set clear guidelines on how long a container can be located on the property and where they should be allowed on the property and possibly other restrictions, such as size, color, length of time, etc.

TMAPC COMMENTS:

Mr. Walker asked Councilor Christiansen if the City Council has a preferred duration of time. Councilor Christiansen answered negatively.

Mr. Leighty asked Councilor Christiansen if he felt that the side yard was a loophole. Councilor Christiansen answered affirmatively.

Mr. Dix asked Mr. Hill if there is a loophole used that they remove the container and then return it to start the time again. In response, Mr. Hill stated that he has seen no restrictions on time to 30 days. In St. Louis it is three times a year for 30 days each time and they can't be consecutive times. Mr. Hill stated that the 30-day time limit three times a year is by location.

Ms. Matthews stated that staff could work with Legal and other departments of the City and draft some recommendations for the Zoning Code amendments.

Mr. Edwards suggested continuing this to July 20th, 2011.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel, "absent") to **CONTINUE** the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area to July 20, 2011 and staff will propose recommendations for review.

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11. Proposed Amendments to the Tulsa Revised Ordinance, including but not limited to Title 42, the Zoning Code of the City of Tulsa, Oklahoma to add a new zoning district designation, Form Based Codes, in Chapter 2, Section 200 of the City of Tulsa Zoning Code.

STAFF RECOMMENDATION:

CHAPTER 2

GENERAL PROVISIONS

- 200. Zoning and Supplemental Zoning Districts Established
- 201. Official Zoning Map Established
- 202. District Boundary Description and Interpretation
- 203. Limitation on Land Use
- 204. Division of Lots
- 205. Number of Dwelling Units on a Lot
- 206. Street Frontage Required
- 207. One Single-family Dwelling Per Lot of Record
- 208. Height Exceptions
- 209. Lot Area and Width Exceptions
- 210. Yards
- 211. Existing Building Encroachment on Front Yards or Building Setbacks
- 212. Screening Wall or Fence
- 213. Platting Requirement--Exceptions
- 214. Major Street Plan
- 215. Structure Setback from Abutting Streets
- 216. Code of Ethics
- 217. Satellite Communication Antennas
- 218. Illumination Standards
- 219. Nuisances Regulated
- 220. Strobe Lights and Rotating Beacons Prohibited
- 221. Non-commercial Signs
- 222. Motorized Vehicles
- 223. Temporary Accessory Tents
- 224. Screening And Setbacks From R Districts Which Are Freeways Or Nonresidential Uses
- 225. Sign Exceptions

SECTION 200. ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED

The Zoning Districts and Supplemental Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

- AG Agriculture District
- RE Residential Single-Family, Estate District

RS-1	Residential Single-Family Low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RS-4	Residential Single-Family Highest Density District
RD	Residential Duplex District
RT	Residential Townhouse District
RM-0	Residential Multifamily Lowest Density District
RM-1	Residential Multifamily Low Density District
RM-2	Residential Multifamily Medium Density District
RM-3	Residential Multifamily High Density District
RMH	Residential Manufactured Home District
PK	Parking District
OL	Office Low Intensity District
OM	Office Medium Intensity District
OMH	Office Medium - High Intensity District
OH	Office High Intensity District
CS	Commercial Shopping Center District
CG	Commercial General District
CH	Commercial High Intensity District
CBD	Central Business District
CO	Corridor District
SR	Scientific Research and Development District
IL	Industrial Light District
IM	Industrial Moderate District
IH	Industrial Heavy District
PUD	Planned Unit Development (Supplemental Zoning District)
HP	Historic Preservation District (Supplemental Zoning District)
FBC*	<u>Form Based Code District</u>

*** Form Based Code Districts are regulated by Title 42-B and only by this Code to the extent provided in Title 42-B.**

SECTION 201. OFFICIAL ZONING MAP ESTABLISHED

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map of the City of Tulsa. The Official Zoning Map shall be maintained by the Board of Adjustment of the City of Tulsa, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

SECTION 202. DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same

Mr. Boulden presented the new language proposed to amend the Zoning Code to add the designation FBC – Form Based Code District to Section 200.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **CLOSE** the public hearing.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **APPROVAL** of the recommended change to the City of Tulsa Zoning Code, Section 200 as provided by staff.

PUBLIC HEARING

12. Regal Industrial Park – (9403) (CD 6), Minor Subdivision Plat, Location: East of South 145th East Avenue, South of East Admiral Place (**Request continuance to June 15, 2011 for further Technical Advisory Committee review**).

STAFF RECOMMENDATION:

The applicant has requested a continuance and by staff for further review to June 15, 2011.

Applicant's Comments:

Jason Regal, 2303 South Richmond, 74114, stated that his family doesn't understand that they have to pay the money to hook onto the sewer lines when not adding the sewer. These properties have been in the family since 1950 and everything has been fine until now. Now he is being told that he will have to pay \$90,000.00 to hook onto the sewer and there is no getting around it. There is a house and trailer on the subject property that are hooked up to septic tanks.

TMAPC COMMENTS:

Mr. Leighty asked if this is being triggered by the plat. In response, Mr. Regal stated that he had to have the property platted in order to hook onto the sewer.

Mrs. Fernandez stated that this application is being continued because tomorrow there will be a second Technical Advisory Committee (TAC) meeting on this application. All of these issues will be discussed at that time, including the sewer. This discussion is ahead of ourselves and the plat was not ready to forward as a minor subdivision plat. Regarding something being "grandfathered in", normally there is an activity or expansion or a notice of an industrial type of use on the property that has been allowed to exist for some time and now there is a need to plat the property and hook it onto sewer because it is an industrial use. The engineer delivered the plats yesterday for the TAC meeting tomorrow. Mrs. Fernandez stated that she believes Mr. Regal's questions might be answered at the TAC meeting or the June 15th meeting before the TMAPC.

Mr. Leighty suggested that the item be continued to the 15th since there are issues that need to be reviewed and discussed at the next TAC meeting.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **CONTINUE** the minor subdivision plat for Regal Industrial Park to June 15, 2011.

* * * * *

13. **Greenhill Distribution Center II** – (0417) (CD 3) Preliminary Plat, Southeast corner of East 46th Street North and U.S. 169

STAFF RECOMMENDATION:

This plat consists of four lots, two blocks, on 58.21 acres.

The following issues were discussed May 19, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IM (industrial medium). There are no private streets in the addition. ODOT may still have plat comments.
2. **Streets:** No comment.
3. **Sewer:** The 16-inch sanitary sewer main must be extended to East 46th Street North.
4. **Water:** Use standard covenant language in Section 1A. The "restrictive waterline easement" language should stand by it's self.
5. **Storm Drainage:** The 4' x 8' RCB (reinforced concrete box) must be completely contained within an easement. Recommend extending the 70 foot easement until it intersects with the 17.5-foot utility easement to the south. Reserve A is also for compensatory storage. Compensatory language needs to be added to the covenants. Show the limits of the floodplain. The floodplain should be identified as "Tulsa regulatory floodplain, Mingo Creek tributary".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Fire hydrants need to meet the minimum 500-foot spacing requirements of the International Fire Code 2006 edition appendix C. As it looks there will need to be fire hydrants installed along the west side of Lot 1 Block 2. More internal fire hydrants may be required for the lots depending on the location and size of any building that is built. This would also apply to access roads for each lot. A turnaround will be required for 43rd street per IFC (international fire code) 2006 appendix D.

GIS: Clarify location map. Submit subdivision data control sheet. Correct legal description.

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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the preliminary plat for Greenhill Distribution Center II per staff recommendation, subject to special conditions and standard conditions.

14. **BOA-20464** – (0309) (CD 1, 3) Plat Waiver, Location: East and west of U.S.75, south of East 56th Street North

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Board of Adjustment case that approved a park use on the site.

Staff provides the following information from TAC at their May 19, 2011 meeting:

ZONING:

TMAPC Staff: The site will be used for a City Park (soccer complexes/BMX track/skatepark).

STREETS:

No comment.

SEWER:

No comment.

WATER:

If the existing 2 inch water main line can not support the water demands then it will be required to be upgraded to a 6 inch line.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for this use on this site.

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; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the plat waiver for BOA-20464 per staff recommendation.

* * * * *

16. **CZ-408 – Don Whitesel**, Location: South of southeast corner of Southwest Boulevard and South 68th West Avenue, Requesting **RS to CG**, (County)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

CZ-265 April 2000: All concurred in approval of a request for rezoning a .25± acre tract of land from RS to CG for a tire store and truck repair, on property located southwest corner of Southwest Boulevard and South 67th West Avenue and abutting east of subject property.

CZ-261 February 2000: All concurred in approval of a request for rezoning a tract from RS to CG located on the southeast corner of Southwest Boulevard and South 68th West Avenue and abutting the subject tract on the north and west.

CBOA-1635 April 1999: The Board of Adjustment approved a special exception to allow a single-wide mobile home on the property adjoining the subject tract to the south. Approval was granted to allow one mobile home on four 25' lots only.

CZ-184 September 1990: A request to rezone a tract located on the southeast corner of Highway 66 West and South 67th West Avenue and east of the subject property, from RS to CG. Staff recommended denial of CG zoning and the Board of County Commissioners approved CS zoning of the property.

CBOA-908 July 1989: The Board of Adjustment denied a use variance request to allow for automobile repair in an RS-zoned district on property located north of the northeast corner of West 60th Street South and 67th West Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .36± acres in size and is located south of the southeast corner of Southwest Boulevard and South 68th West Avenue. The property is vacant and used for storage and parking and is zoned RS.

SURROUNDING AREA:

The subject tract is abutted on the east by a mixed commercial strip, zoned CG and by other mixed residential/office/commercial/industrial uses, zoned RS; on the north by a commercial use, zoned CG and Southwest Boulevard and West 58th Street zoned RS; on the south by mixed uses, zoned RS; and on the west by mixed uses, zoned RS.

UTILITIES: The subject tract has water availability near property and no sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan does not designate South 68th West Avenue or Southwest Boulevard in this area. The recently updated comprehensive plan for the City of Tulsa does not address this area in the unincorporated portion of Tulsa County.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 68 th West Avenue	N/A	N/A	2
Southwest Blvd	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan designates this as a high/medium intensity use area. The requested CG zoning is in accord with the plan.

STAFF RECOMMENDATION:

A mixture of office/industrial/commercial uses currently exists in this area. The comprehensive plan certainly contemplated that this larger area would develop or redevelop in medium to high intensity uses, given its location adjacent to Skelly Drive/I-44 and other similar uses. The proposed use, commercial, would be very compatible with surrounding uses. Therefore, staff recommends **APPROVAL** of CG zoning for CZ-408.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **APPROVAL** of the CG zoning for CZ-408 per staff recommendation.

Legal Description for CZ-408:

Lots 32, 33, 34, 35, and the east 30' of Lots 36, 37, and 38, Block 51, Taneha Addition, an addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

17. **CZ-409 – Keith D. Robertson/Allen Hynes**, Location: Southeast corner of 49th West Avenue and West 43rd Street, Requesting **RS to IL**, (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CZ-327 August 2003: All concurred in approval of a request for rezoning a 13± acre tract of land from IR to IL for industrial use, on property located at the northwest corner of South 49th West Avenue and West 46th Street and abutting west of subject property, across South 49th West Avenue.

CZ-305 June 2002: A request to rezone property at the southeast corner of West 43rd Street South and South 61st West Avenue from AG to RS was approved unanimously by the County Commission.

CZ-291 October 2001: A request to rezone property at 4909 West 51st Street South from RS to IL zoning for light industrial/mini-storage was approved unanimously by the County Commission.

CZ-162 January 1988: All concurred in approval of a request for rezoning a 40± acre tract of land from AG to CS/IR/IL for commercial and industrial use, on property located southwest of the corner of West 41st Street and South 49th West Avenue and northwest of subject property.

CBOA-731 October 20, 1987: The Board of Adjustment denied a Special Exception to permit a home occupation of automobile repair, on property located at 4347 S. 49th W. Ave. and a part of the subject property.

CZ-156 May 1987: Staff recommended denial of a request for rezoning an 80+ acre tract of land from AG to OM/IR/IM/CO for offices, research and industrial uses, on property located at the northwest corner of South 49th West Avenue and West 46th Street. All concurred in approval of keeping the west 525' AG and rezoning the north 660' to IL, the south 660' to IM and the east 400' to IR.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.29+ acres in size and is located southeast corner South 49th West Avenue and West 43rd Street. The property is vacant and zoned RS.

SURROUNDING AREA: The subject tract is abutted on the east by large-lot single-family residential/agricultural/mixed uses (in what appears to be a stable neighborhood), zoned RS; on the north by single-family residential/agricultural/mixed uses, zoned RS; on the south by single-family residential/agricultural/mixed uses, zoned RS; and on the west by industrial uses, zoned IL. Some of the properties nearby may have non-residential uses on part of them.

UTILITIES: The subject tract has water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates West 41st Street South as a secondary arterial. Because this property is not within the City of Tulsa, it is not included within the update to the comprehensive plan.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 49 th West Avenue	Secondary arterial	100'	2
West 43 rd Street	N/A	N/A	2
South 47 th West Avenue	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan for the unincorporated portion of Tulsa County designates this property as Low Intensity-No Specific land use. On the face of it, this request appears to be applying for spot zoning. However, it is adjacent to a very large tract of industrially-zoned land to its west and a mixture of uses that may be in transition on the other sides. Much of the industrially-zoned and used land adjacent and nearby is within Special District 6, which plan policies in Section 3.6 call for industrial uses.

STAFF RECOMMENDATION:

Given the apparent transitional nature of this property and its proximity to industrially-zoned and used land, staff can support the requested rezoning, but only on the western 400' that fronts South 49th West Avenue. Staff believes the panhandle portion (approximately 200') to the east fronting on South 47th West Avenue would be an intrusion into that largely-single-family neighborhood and the adjacent single-family residential use to the south. Therefore staff recommends **APPROVAL** of IL zoning on the western 400' of this property and **DENIAL** of IL zoning for the eastern portion for CZ-409.

TMAPC COMMENTS:

Ms. Cantrell asked if Special District 6, calls for industrial for the entire area. In response, Ms. Matthews answered affirmatively.

Mr. Leighty stated that there has been some discussion and comments about the drainage on the subject property and the Planning Commission is considering a zoning issue today cannot entertain any matters to do with drainage.

Mr. Liotta stated that the main contact would be the County Engineer, Tom Rains, 596-5000. If anyone is aware of a violation of a floodplain issue then Tom Rains or the County Permit and Inspections Department should be contacted.

Mr. Leighty requested that comments be limited to the zoning matter.

Applicant's Comments:

Keith Robertson, 5567 South Lewis, Suite 700, 74105, representing the subject property owner. Mr. Robertson stated that his client is providing storage facilities and it is not a high-traffic impact use. The facility will be used to store estate items, antique items and only allowing for private and/or public accessibility at privately advertised times. These events would be once or twice month or once every two months. This would not be an 8:00 a.m. to 5:00 p.m. business with heavy trucks in and out of the subject property.

Mr. Robertson stated that because of the low-intensity use of the proposed facility he doesn't believe that the use of the panhandle will be an impact. The property below the panhandle is owned by his client. He has a tenant leasing there and they are in agreement with the proposal.

Mr. Robertson stated that he has contacted individuals in the neighborhood and the complaints regarding drainage has been dealt with and he knows what has to be done onsite through the replatting.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Robertson if he was in agreement with staff recommendation to exclude the panhandle. In response, Mr. Robertson stated

that excluding the panhandle would create a hardship for his client. His client is trying to consolidate into one area.

Ms. Cantrell reminded Mr. Robertson that the property would be rezoned and anything that can be done within IL zoning would be allowed. The Planning Commission has to look at the whole spectrum of IL zoning. Mr. Robertson stated that this wouldn't be an everyday occurrence nor 8:00 a.m. to 5:00 p.m. retail use, but simply once or twice a month. He further stated that it is obvious that there is a direction that the subject area seems to be going and there are other clients are waiting for the outcome of this application and then they are going to jump in and do the same thing.

INTERESTED PARTIES COMMENTS:

Grady Beeson, 4340 South 47th West Avenue, 74107, stated that he has lived in the subject area for over 20 years and this proposal will be intrusive to the residents. Mr. Beeson submitted a petition opposing this application (Exhibit A-1). Mr. Beeson insisted on discussing drainage issues. The current owner isn't taking care of the subject property now and he doesn't believe he will once it is rezoned and not be intrusive. Mr. Beeson expressed concerns with traffic backing up to enter the subject property and getting fire trucks down the side street when there are cars parked along the street. Mr. Beeson concluded that he would like to keep the subject area residential and protect the existing residential area.

Jean Conner, P.O. Box 9255, Tulsa, OK 74157, stated that she lives in Sand Springs, but her family owns property in the subject property. Ms. Conner agreed with Mr. Beeson's statements and concerns. Ms. Conner stated that the current owner of the subject property doesn't mow and she had to call and turn him in.

Matt Crain, 4636 West 43rd Street, 74107, stated that he was approached last night by Mr. Beeson and signed the petition. His concern at that time was expressed as to whether these would be portable pod units or permanent buildings. The primary reason for signing the petition was because he was opposed to pods. Mr. Crain stated that he stands before the Planning Commission as representing the Chamber today. The history of the property owner and his family have been a stable element and they would likely be someone who would retain the use it is built for. Mr. Crain explained that the existing neighborhood is a quiet neighborhood with many Code violations. He recognizes that the corridor is a major industry corridor in many ways today. He would rather have storage for a business of this sort than other things that could be there. Mr. Crain stated that he can't leave his name on the petition (Exhibit A-1) because there was a misunderstanding of what is being proposed.

Applicant's Rebuttal:

Mr. Robertson stated that he is aware of the drainage requirements and it will be handled during the platting process. He knows the conditions he has to adhere to in terms of onsite drainage. Mr. Robertson cited the process he will have to go through for permitting.

Mr. Robertson stated that he counted 50 concrete trucks coming up and down South 49th West Avenue with relative ease of access to and from Eagle Concrete. Mr. Robertson reiterated that the proposal is not a high-impact business. Mr. Robertson cited the existing businesses in the subject area. He explained that there will be off-street parking on site and the Code will have to be adhered to. Once the subject property is developed it will eliminate a lot of the maintenance issues. There will be landscaping requirements, hard-surfaced areas and there will not be the high grass maintenance issues. Mr. Robertson stated that this will be a permanent facility.

TMAPC COMMENTS:

Mr. Leighty stated that several of the interested parties do not have a lot of confidence based on the history of the subject property that the applicant will be do the right thing. Mr. Robertson stated that he can't speak on whether or not his client has kept the subject property mowed. Mr. Robertson stated that he is the architect for the subject project and he has to follow the Code and requirements for permitting and then it is up to the authorities to enforce the Code. Mr. Leighty stated that it is also the property owner's responsibility to abide by the rules.

Allen Hynes, 3923 South 65th West Avenue, subject property owner, stated that he bought the subject property about six years ago. He stated that he removed four homes off of the subject property and cleaned up the property. Three times a year he has a company mow the subject property. Mr. Hynes explained that he spent \$30,000 dollars to restore a home and bring it back up to Code and lease it to a family member. Now the subject property is a flat piece of property and houses and foundations have been removed and cleaned up. Mr. Hynes stated that he understands the concerns regarding water drainage and water drainage is a problem for his renter. Mr. Hynes cited the various businesses in the subject area. Mr. Hynes indicated that he would develop the front portion of the subject property and do nothing to the back part at this time.

Mr. Beeson requested rebuttal time.

Mr. Beeson stated that the subject property is not in the Long Range Plan for industrial designation. The subject area is residential and to his knowledge this would be an amendment to bring it into industrial. Mr. Leighty asked Mr. Beeson what is it that he is rebutting. Mr. Beeson stated that Mr. Hynes indicated that no one lives nearby and they do. Across the street is industrial and Mr. Hynes is requesting to bring industrial into a residential area, which the residents do not want to change and it is in not in the Long Range Plan.

Mr. Leighty closed the public hearing and opened the floor for review.

TMAPC COMMENTS:

Mr. Liotta stated that he is generally supportive of a property owner doing within reason what they would like to do with their own property. As long as it is keeping within what the surrounding properties are like, which this change in his mind is not, or if it is a transition area between property uses, which he doesn't see this as being that either. Looking at the map and the surrounding area, this proposal could be a potential intrusion into a large-lot residential neighborhood. Mr. Liotta stated that he doesn't believe he can support this proposal.

Mr. Carnes stated that the panhandle definitely should not be rezoned to IL. However, a burned house has set there for years and now it has been torn down and the owner has cleaned up the old houses. Mr. Carnes stated that he can support the IL for the frontage only.

Mr. Edwards stated that after looking at this location and hearing the neighbors who have lived there for 20 years, he can't support this application. This is almost in the center of a residential area. Given the fact that the applicant is not willing to take the staff recommendation and only rezone the frontage, he can't support this application.

Ms. Cantrell stated that she agrees with Mr. Edwards and Mr. Liotta. Ms. Cantrell commented that she doesn't know if this is spot zoning, but it is certainly seems to be leap-frog zoning. The subject property is surrounded by RS on three corners and there are stable homes in the subject area. Ms. Cantrell stated that she would definitely be opposed to the panhandle and believes she will be opposed to both proposals.

Mr. Dix stated that he has empathy for the residents in the subject area and experienced the same thing in his neighborhood. This would affect the residents greatly and he would have to oppose this proposal.

Mr. Leighty stated that he finds this troubling because the IL designation opens the door for other uses that could be harmful to the neighborhood. Mr. Leighty indicated that he would be opposing this application.

Mr. Walker stated that he can't approve the straight IL zoning and he believes that staff made a good compromise. Mr. Walker indicated that he would support staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **DENIAL** of the IL zoning for CZ-409.

Legal Description for CZ-409:

Lots 14, 16, 17, and 18, Block 1, Bridges Third Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

18. **Z-7169/PUD-743-A – Tulsa Development Authority**, Location: North and east of northeast corner of North Cincinnati Avenue and East Queen Street, Requesting **Major Amendment Abandonment of PUD and to Rezone PUD/OL to RS-4**, (CD-1) (Related to Item 19)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21641 dated October 15, 2007, established the present PUD zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7068/PUD-743 October 2007: All concurred in approval of a request for rezoning a 37,800± square feet tract of land from RS-4 to OL/PUD-743 for dental offices, clinics, laboratories and related dental research facilities on property located northeast corner of North Cincinnati Avenue and East Queen Street and the subject property.

Z-7057 June 2007: All concurred in denial of a request for rezoning a .87± acre tract of land from RS-4 to OM on property located northeast corner of North Cincinnati Avenue and East Queen Street and the subject property.

Z-6440 May 1994: All concurred in approval of a request for rezoning a 215± acre tract of land from RM-1/RM-2 to RS-4 to comply with the Comprehensive Plan for that area by the TMAPC, on property located between Pine and Zion and between Peoria and Union Pacific Railroad. This area was formerly a "blanket-zoned" area and TMAPC staff worked with the neighborhood to rezone it to reflect its largely-single-family residential use.

Z-6428 January 1994: All concurred in approval of a "blanket rezoning" on lots lying between North Cincinnati Avenue and the Missouri-Pacific Railroad right-of-way; from East Ute Place on the north to East Pine Place on the south, from RM-1 to RS-4. The subject property was included in this action.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .91± acres in size and is located at the northeast corner of North Cincinnati Avenue and East Queen Street. The property is vacant and zoned OL/PUD-743. It has been for sale through the Tulsa Development Authority for some years.

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-4; on the north by single-family residential uses, zoned RS-4; on the south by the North Pointe office/retail center, zoned CS; and on the west by single-family and vacant residential uses, zoned RS-3.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate North Cincinnati Avenue or East Queen Street. North Peoria Avenue farther to the east is the next major north/south arterial. Tulsa Transit has a bus route that is heavily used and runs along Cincinnati Avenue.

STREETS:

The Tulsa City-County Major Street and Highway Plan Designates North Cincinnati Avenue as a Secondary Arterial and East Queen Street as a Residential Collector Street.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Cincinnati Avenue	Secondary arterial	100'	4
East Queen Street	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates this area as a Neighborhood Center and an Area of Growth. Neighborhood Centers are seen as accommodating one to three-story mixed use retail, apartments, condominiums, townhouses with small-lot single-family residential uses at the periphery. According to the Comprehensive Plan, Areas of Growth are to direct where it will be beneficial to improve access to jobs, housing and services with fewer and shorter auto trips. A goal is to enhance economic activity in the area to benefit existing residents and businesses and provide redevelopment stimulus. That has long been the goal of TDA in this area, bracketed by Heritage Hills on the north and North Pointe on the south, both TDA developments. The proposed RS-4 zoning is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION FOR ZONING:

The subject property is surrounded on three sides (north, east and west) by single-family residential units. It also lies within an area that was rezoned at the

neighborhood's request in 1994 to RS-4 zoning. Two more recent applications have included use as a funeral home and later (the subject of PUD-743) as a dental office, which occasioned the rezoning to OL/PUD. Abandonment of the PUD and reverting to the RS-4 zoning would be entirely compatible with the adjacent uses and zoning. Therefore, staff recommends **APPROVAL** of RS-4 zoning for Z-7169.

STAFF RECOMMENDATION FOR PUD:

Approved in August 2007, PUD-743 is a flat and vacant piece of property located at the northeast corner of North Cincinnati Avenue and East Queen Street. The property is currently controlled by the Tulsa Development Authority (TDA).

The PUD-743 was approved for a two-story dental clinic on this 37,800 square foot (SF) site. However, rather than move forward with the dental clinic concept TDA wishes to have the property returned to its originally intended residential use. This major amendment application seeks to abandon the existing PUD-743 and concurrently a zoning application has been filed to rezone the property from OL/PUD to the original RS-4 zoning.

According to the Tulsa Comprehensive Plan, a goal of Areas of Growth is to enhance economic activity in the North Tulsa area to benefit existing residents and businesses and provide redevelopment stimulus. That has long been the goal of TDA in this area, bracketed by Heritage Hills on the north and North Pointe on the south, both TDA developments. Returning this property to a residential use is accord with the Neighborhood Center land use classification within the Plan by providing small lot, single family homes on the periphery of the one to three-stories mixed use office/retail center to the south designed to serve the residential population of the area.

Staff finds the proposed abandonment and subsequent rezone to RS-4 to be in harmony with the spirit and intent of the Code. Staff finds PUD-743-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Residential Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-743-A subject to the approval of rezone application Z-7169 and the conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC Comments:

General: No comments.

Water: If the existing 2-inch water main line cannot support the water demands then it will be required to be upgraded to a 6-inch line.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** Cincinnati is a designated secondary arterial. Sidewalks should be constructed per subdivision regulations.
- **LRTP:** N. Cincinnati Ave, between Pine Street and Apache, existing 4 lanes. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** Cincinnati is part of a planned bikeway
- **Transit:** Currently, Tulsa Transit operates existing routes on N. Cincinnati Ave, between Pine Street and Apache. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

Inspection Services: No comments.

County Engineer:

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **APPROVAL** of the major amendment abandonment for PUD-743-A per staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7169 per staff recommendation.

Legal Description for Z-7169/PUD-743-A:

Lots10-15, Block 4, Dickason Goodman Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

19. **PUD-743 -** (0225) (CD 1) Plat Waiver, Location: Northeast corner of North Cincinnati Avenue and East Queen Street (Related to Item 18)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to abandon a PUD and rezone from OL (office light) to RS-4.

Staff provides the following information from TAC at their May 19, 2011 meeting:

ZONING:

TMAPC Staff: The property has been previously platted.

STREETS:

A 15-foot right-of-way dedication is required along North Cincinnati; A 30 foot radius is required at intersection on North Cincinnati and East Queen. Sidewalks will be required.

SEWER:

No comments.

WATER:

No comments.

STORMWATER:

No comments.

FIRE:

No comments.

UTILITIES:

No comments.

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

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

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

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

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

*Additional right-of-way is required to be dedicated.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the plat waiver for PUD-743 per staff recommendation.

* * * * *

20. PUD-681-A – Tanner Consulting, LLC/Double H Development, LLC,
Location: South of southeast corner of South Louisville and East 111th Street,
Requesting Major Amendment to add additional unplatted AG-zoned property
to two lots within the PUD creating a larger backyard for the two particular
lots, **RS-1/PUD-681 to AG/RS-1/PUD-681-A**, (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20620 dated June 26, 2003,
established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7015/PUD-726 March 2006: All concurred in approval of a request to rezone
a 46± acre tract from AG to RS-2/PUD for a maximum of 90 single-family lots,
located south of East 116th Street and abutting east of South Delaware Avenue.

PUD-709 October 2004: All concurred in the approval of a Planned Unit
Development on 10± acre tract of land for single-family residential use with RS-2
underlying zoning, on property located east of Delaware Avenue and East 116th
Street South.

PUD-686 July 2003: All concurred in the approval of a Planned Unit
Development for the Wind River development, with a 260-unit (maximum) single-
family development, located on the east of South Delaware north of East 121st
Street.

Z-6894/PUD-681 May 2003: All concurred in the approval of a request to rezone
a 15± acre tract from AG to RS-1/PUD for single-family residential use, on
property located south and east of East 111th Street South and South Louisville
Avenue and the subject property.

Z-6867/PUD-667 October 2002: All concurred in approval of a request to
rezone a 46± acre tract from AG to RS-1/PUD for a residential development,
subject to conditions, located south of the southwest corner of East 111th Street
South and South Delaware Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The PUD is approximately 17+ acres in size and is located south of southeast corner of South Louisville and East 111th Street. The PUD is partially developed with single-family homes and is zoned RS-1/PUD. The subject property is 2.07 acres in size, is vacant, and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the north, east and south by unplatted land, zoned AG; and on the west by Waterstone a single-family residential subdivision, zoned RS-1/PUD-667.

Note: There are no surrounding area photographs available since the subject tract is within a gated community, requiring passage through Waterstone which is also a gated community. Staff was not granted access to either development

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate South Louisville Place.

STREETS:

The Tulsa City-County Major Street and Highway Plan designate both 115th Street South and South Louisville Place as Residential Collector Streets.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 115 th Street	Residential Collector	60'	2
South Louisville Place	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates existing PUD-681 as an "Area of Stability" and an "Existing Neighborhood". The 2.07 acres being added to the PUD are identified as an "Area of Growth" and a "New Neighborhood". A Growth and Stability Map and Land Use Category Map from the Tulsa Comprehensive Plan are attached.

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

concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic

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.

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

The addition of 2.07 acres of vacant land to this existing PUD is **in accord** with the Plan.

STAFF RECOMMENDATION:

Approved in 2003, PUD-681 is a large lot residential single-family subdivision permitting a maximum of 17 dwelling units (DUs). PUD-681, also known as the Estates, is a continuation of the adjacent Waterstone residential development which was also approved in 2003 as PUD-667.

The purpose of major amendment PUD-681-A is to add additional unplatted and AG zoned property to two lots within the PUD creating a larger backyard for the two particular lots (see Exhibits A and B). As required, when additional land is added to a PUD a major amendment must be approved. The major amendment will not add additional lots to the development but will add additional property to the two existing lots.

Please refer to Exhibit B. The south 56' of Lot 5, Block 2 has been previously split and attached to Lot 4 to make Lot 4 larger. The north 56' of Lot 5 will be attached to Lot 6, Block 2 through the lot combination process

Should the major amendment be approved, a minor subdivision plat will be processed and filed of record which attaches the currently unplatted property to Lots 3 and 4 of The Estates of Waterstone.

Staff finds the use and intensity of development proposed to be in harmony with the spirit and intent of the Code. Staff finds major amendment PUD-681-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-681-A subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein. All other conditions and limitations of PUD-681 shall remain effective unless previously amended by major or minor amendment by the TMAPC.
2. Development Standards:

Development Standards

Land Area (Original Estates of Waterstone):	14.968 acres
Unplatted Addition to PUD-681:	2.069 acres
Total Land Area:	17.037 acres

Permitted Uses:

Those Uses permitted by right within Use Unit 6, Single-family Dwelling and uses customarily incidental to the principal permitted use.

Maximum Number of Dwelling Units:	17*
Minimum Lot Width*:	90 FT
<i>*(Lot Width on a cul-de-sac shall be measured at the building setback line)</i>	
Minimum Lot Area:	13,500 SF
Maximum Building Height:	35 FT
Minimum Livability Space per Dwelling Unit:	7,500 SF

Minimum Land Area per Dwelling Unit: 16,000 SF

Minimum Off-Street Parking:

Two (enclosed off-street parking spaces per dwelling unit and at least two (2) additional off-street parking spaces per dwelling unit.

Minimum Required Yards

From Perimeter of the PUD	25 FT**
From private street right-of-way	
Front	30 FT***
Side	10 FT***
Garages with side entry	20 FT
Interior side yard	10 FT
Interior rear yard	25 FT

* As permitted in minor amendment PUD 681-2 and PUD 681-6.

** 17.5' when used as a side yard as permitted in minor amendment PUD 681-3 and PUD 681-6

*** As permitted in minor amendment PUD 681-4.

Access and Circulation

Currently, access is provided to lots within The Estates of Waterston via two private streets (East 115th Street South and South Louisville Avenue). No additional access shall be allowed or permitted without further approval by the City of Tulsa. Access to the additional property shall be provided through lots 3 and 4 block 2 of The Estates of Waterstone.

3. 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD and to force proper maintenance of private streets within PUD-667 needed to access PUD-681.

5. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. Circular turnarounds shall be provided at the end of all cul-de-sacs and shall comply with the City's standards for public streets.
6. 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 including those within PUD-667. The developer shall pay all inspection fees required by the City.
7. 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. For the purposes of PUD Detail Site Plan Review the plat or minor subdivision plat shall serve as the detail site plan for the property contained within PUD-681-A.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
10. 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.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** No comments.
- **LRTP:** Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** No current or future plans for this location.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-681-A per staff recommendation.

Legal Description for

ALL of the Estates of Waterstone plat, 5800, and A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT NORTHWEST CORNER OF BLOCK TWO (2), "ESTATES OF WATERSTONE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5800); THENCE SOUTH 0°09'44" WEST AND ALONG THE WESTERLY LINE OF SAID BLOCK TWO (2), FOR A DISTANCE OF 168.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°09'44" WEST AND ALONG SAID WESTERLY LINE, FOR A DISTANCE OF 444.75 FEET TO A POINT, SAID POINT BEING THE MOST EASTERLY NORTHEAST CORNER OF LOT THIRTY-THREE (33), BLOCK TWO (2), "WATERSTONE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5718); THENCE NORTH 88°44'51" WEST FOR A DISTANCE OF 6.54 FEET TO A POINT; THENCE NORTH 41°20'06" WEST AND ALONG THE EASTERLY LINE OF SAID BLOCK TWO (2), "WATERSTONE", FOR A DISTANCE OF 592.13 FEET TO A POINT; THENCE NORTH 90°00'00" EAST FOR A DISTANCE OF 398.88 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 90,128 SQUARE FEET, OR 2.069 ACRES.

Mr. Carnes out at 3:07 p.m.

21. **PUD-218-A – Faulk & Foster/Verizon Wireless**, Location: Southeast corner of South Yorktown Avenue and East 21st Street, Requesting Major Amendment to add Antenna and Supporting Structure only within Use Unit 4 – Protection and Utilities as a permitted use within Development Area A of the PUD, **RS-3/RM-0/PUD-218 to RS-3/RM-0/PUD-218-A**, (CD-9)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 14504 dated July 31, 1979, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-218 July 1979: All concurred in approval of a proposed Planned Unit Development on a 7± acre tract of land for a multi-story residential building and accessory uses, on property located southeast corner of South Yorktown Avenue and East 21st Street and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7± acres in size and is located at the southeast corner of South Yorktown Avenue and East 21st Street. The property is developed and is zoned RS-3/RM-0/PUD-218.

SURROUNDING AREA: The subject tract is abutted on the south and east by unplatted land, zoned RS-3 and being used as a school; on the north by 21st Street and then Woodward Park addition, zoned OL/OM and being used as office and retail; and on the west by Yorktown Avenue and then Utica Square, zoned OL/CS/CH and being used for commercial, retail and office uses.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates 21st Street as a Multi-modal Corridor and does not designate Yorktown Avenue.

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

STREETS:

The Tulsa City-County Major Street and Highway Plan designates 21st Street as an Urban Arterial and Yorktown Avenue as a Residential Collector.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 21 st Street	Urban Arterial	70'	5 (includes turn lane)
South Yorktown Avenue	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject area as an “Area of Growth” and a “Regional Center”. Comprehensive Plan maps showing the Area of Growth and the Regional Center are attached in the rear.

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.

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.

The request to include the additional use within this existing PUD **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

PUD-218-A is a fully developed 7.05 acre tract located at the southeast corner of East 21st Street South and South Yorktown Avenue. The tract is flat and is the site of an existing 16-story apartment building (see attached Exhibit C-3).

The purpose of major amendment PUD-218-A is to add Antenna and Supporting Structure only within Use Unit 4 – Protection and Utilities as a permitted use within Development Area A of the PUD. This would allow for cellular antenna to be mounted on the top of the building (see attached Exhibits). The proposal does not include plans to construct a free-standing cellular tower on which the antenna would be mounted.

Triggering the need for the major amendment is the application for building permits to place the antenna on top of the building. Upon application for the permits it was discovered that the cellular use is not a permitted use in the PUD.

Since the proposal does not include any significant construction and should not affect any surrounding properties staff views the addition of the use as not significantly altering the character of the PUD. As a note, should a free-standing cellular tower be proposed in the future staff will recommend that the applicant return to the TMAPC and City Council with a PUD major amendment application.

Staff finds the additional use and intensity of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-218-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-218-A 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:

All conditions of PUD-218 shall remain effective with the addition of the following:

DEVELOPMENT AREA A:

Permitted Uses*:

Uses are limited to Use Unit 8 – Multi-Family and Similar Uses for a multi-story residential building and customary accessory uses including off-street parking,

recreational facilities including clubhouses and swimming pools and services facilities customarily accessory to a multi-story residential building and Antenna and Supporting Structure only as permitted within Use Unit 4 – Protection and Utilities. .

** Should an applicant seek to construct a free-standing cellular tower for location of antenna that proposal will be brought to the TMAPC in the form of a major amendment application.*

Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** No comments
- **LRTP:** No comments.
- **TMP:** No comments.
- **Transit:** No comments.

Traffic: No comments.

GIS: No comments.

Street Addressing: No Comments.

Inspection Services: No comments.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Walker asked if they are replacing the antenna or adding a new one.

Applicant's Comments:

Belinda Bodie, 1811 Auburn Avenue, Monroe, LA 71201, representing Verizon, stated that she applied for a permit to replace the existing antennas with the new 4G antennas and it was discovered that the PUD had never been amended to allow the antennas on the roof. She explained that she had her original building permit for the existing antennas, but somehow it was missed in 2008 that the PUD wasn't amended.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-218-A per staff recommendation.

Legal Description for PUD-218-A

Lot 1, Block1, The Yorktown, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Mr. Carnes in at 3:08 p.m.

**22. AC-106 – Sack & Associates/Mark B. Capron/Life Park Christian Church,
Location: 5900 South Union Avenue, Alternative Compliance Landscape
Plan Life Park Christian Church, **OL/CS/PUD**, (CD-2)**

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for the Life Park Christian Church.

The proposed plan does not meet the technical requirements of Chapter 10 of the Zoning Code because 15 trees required in the street yard landscaped area are not being provided. In the alternative, the applicant proposes to preserve 77 existing trees in the interior of the lot as the landscaping for the entire lot.

To encourage the preservation of mature trees, section 1002, C-4 of the code allows existing trees with a 6-inch or greater caliper to be counted as two trees toward the over-all site tree count. Staff contends that the intent of this provision was to encourage the preservation of mature trees and not to be used as an alternative to street yard landscaping which contributes to the aesthetic quality of Tulsa's streets. The code also states that alternative compliance landscape plans must be "equivalent to or better than" the requirements of chapter 10 of the code.

There is a 16-inch high pressure gas line located within the street yard along South Union Avenue. The gas line is located in a 17.5 utility easement immediately adjacent to the South Union Avenue right-of-way (ROW). The street yard for the tract is 50-foot wide measured from the property line. This leaves an area 32.5-foot wide remaining for the street yard trees to be planted. Per the attached plan, there is a single light-pole located in the median within the entry to the lot. This light pole is located within the 17.5-foot utility easement and is placed directly over or very near the gas line.

When reviewing alternative compliance landscape plans staff looks for factors unusual to the land or the use of the buildings and land in combination that create circumstances requiring an alternative to the technical requirements of Chapter 10. Generally, requests for alternative compliance involve a few parking spaces not being within the required distance of landscaped areas or the relocation of a few parking area or street yard trees. In this particular instance staff does not see any such factors that substantiate the need for alternative compliance landscaping.

Therefore, staff recommends **DENIAL** of alternative compliance landscape plan AC-106.

TMAPC COMMENTS:

Ms. Cantrell asked staff how many trees the applicant is required to plant along the street. In response, Mr. Sansone that the applicant would need to plant 15 trees along Union Avenue. Ms. Cantrell asked if they were able to use some of the existing trees to reduce their parking. Mr. Sansone stated that the site is currently over-parked.

In response to Mr. Dix, Mr. Sansone stated that the high pressure gas line has a 15-foot wide easement and the street yard is 50 feet in width. The trees could be planted within the 50-foot area and it doesn't have to be up against the right-of-way. There is enough room in the 50-foot area to allow for the 15-foot wide high-pressure gas line easement and plant the trees. Mr. Sansone stated that the trees can be planted in a group in one location. The applicant chose to put the driveway where it is currently located and they knew that there were landscaping requirements for the street yard, that there was a high-pressure gas line there and that there was a 50-foot wide street yard. The fact that there is paving on the southern portion of the site where there should or could be street yard and the fact that the site is over-parked; staff can't take that into consideration. The trees can be place anywhere within the street yard and they could avoid the entire southern portion. Mr. Dix asked if the location of the drive was ever discussed with the applicant. Mr. Sansone stated that when the site plan came through there was indication that street yard landscaping was going to be an issue and the location of the drive wasn't discussed.

Applicant's Comments:

Mark Capron, Sack & Associates, 3530 East 31st Street, 74135, stated that the City of Tulsa has an excellent landscape code and it is very effective. This is a unique property and his client was able to save trees onsite. This is a low-intensity use and they appreciate the trees onsite. Typically a builder will clear the land and put the building and parking lot as close to the street as possible, but this didn't happen on the subject property. Unfortunately the existing trees are not located where they are needed to count as being in the street yard. He believes that there are trees that were cleared when the gas line was installed.

Mr. Capron submitted photographs of the subject property (Exhibit B-1) and indicated that one can't see the building from the street due to the existing trees. He commented that he maintains that the street yard is wider than the 50 feet. If his client is forced to put in trees it wouldn't be the mature trees that were preserved during construction. Mr. Capron stated that the existing trees on the subject property today are equal to or better than the Code. The pipeline can't restrict his client from planting trees within the street yard, but they prefer that he didn't. The gas line companies prefer to not have the trees there because they fly by to check for leaks. Mr. Capron stated that the driveway is positioned where it is because they wanted to save the existing trees.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Capron what he is proposing to do other than leave the existing trees. Mr. Capron stated that is what he is proposing and he is committing to preserve the trees. Mr. Capron explained that the 15 trees that he is required to plant would be small in size and the existing trees are many years old and larger than anything he could plant.

Mr. Dix questioned the list of trees that were preserved and the type of trees. Mr. Dix suggested that some of the trees be removed that and move the drive to the west and free up some space. Mr. Capron stated that the drive and parking is already built and can't be moved. Mr. Capron further stated that he is not maintaining that his client can't conform to the compliance.

Mr. Carnes out at 3:30 p.m.

Mr. Leighty asked Mr. Capron if this is really due to the expense. Mr. Capron stated that he would defer to his client. It does cost to plant and irrigate the trees. The building is significantly away from the irrigation area. Mr. Leighty asked Mr. Capron if he had any idea what the cost would be to be in full compliance. Mr. Capron stated that he doesn't know the cost.

Ms. Cantrell suggested that relief for the south side be granted and plant the trees on the north portion. Mr. Capron stated that he is not asking to waive the required trees and if the gas line weren't there, there would be existing trees there. He is asking to widen the street yard from 50 feet to 260 feet and call it landscaped. This is not a commercial site and the building is farther from the street. Ms. Cantrell stated that she appreciates the trees being preserved, but the street yard tree requirement is different from the requirement for trees. It creates a different feel, provides more shade where the asphalt is located, there is different reason for street trees as opposed to trees in general.

Mr. Capron introduced Cecil Henninger, representing the owner.

Cecil Henninger, 5900 South Union, 74107, Associate Pastor, stated that the trees are what attracted him to the subject property. There are trees that are estimated to be over 200 years old. A lot of effort went into preserving the trees during designing and development of the subject property. Mr. Henninger cited the surrounding properties and their lack of trees. Mr. Henninger explained that he is working on trimming the existing trees where one can see through them to keep the subject property like a park. There is a natural greenbelt to the north that he is preserving to keep as much of the natural resources around another old tree.

Mr. Henninger stated he believes having the trees in the 50-foot street yard would take away from the look of the subject property. Having the new 1 ½ inch trees planted across the front would be a detriment to what he is trying to do with the look and feel of the subject property.

Mr. Leighty asked Mr. Henninger what kind of investment he would have in the subject property after it is fully developed. In response, Mr. Henninger stated that it will be over three million for the entire 28 acres plus the subject project. Mr. Leighty stated that the reason he is having problems with this is that this is a three million dollar development and the Planning Commission is asking for a couple of thousand dollars in trees. The Planning Commission tries to be consistent, and to make an exception on the subject property there has to be some compelling reasons. Mr. Leighty explained that he would have less of problem with this request if the applicant offered something in return for not planting the trees. Mr. Henninger stated that it will cost to run a sprinkler system through the entire 400 feet of frontage at approximately \$25,000.00. To run a line from the rear of the subject building to the front is \$6,000.00 and he thought he had enough trees to off-set the parking lot trees. This wasn't requested simply for the money reason. There could be a lot more done for landscaping with the \$25,000.00 than putting in 15 trees that 1 ½ inches in diameter. There could be water fountains, etc. to enhance the look of the subject property. He was informed that today's application was a tree issue and not landscaping or anything else. The \$25,000.00 will be spent and the tap has been installed for the sprinkler system. There are plans for landscaping, but he would rather not plant trees in the frontage due to security and to use the money to enhance other areas of the landscaping.

Mr. Leighty stated that this is tough call, but he can't support this application and will have to support staff's recommendation to deny this. Looking at the overall investment of the subject property, the TMAPC would like to get something in return for the alternative compliance.

Mr. Dix stated that he is still trying to figure out how come this is just now coming to the forefront after construction is done. He indicated that when he worked for QuikTrip they always had their landscape compliance before the building permits were issued. This should have been addressed earlier by the applicant. Staff is

going by the ordinance and if this had been done during the permitting process, the driveway could have been easily taken a different direction and this wouldn't be an issue. The applicant has brought this on themselves and they have to deal with it.

Ms. Cantrell stated that she believes that in the past the Planning Commission has granted relief from the street yard frontage and she would be willing to give some relief. The applicant may not be interested because they seem to want all or nothing. Ms. Cantrell indicated that she could support eight to ten trees rather than the 15 required.

Mr. Liotta stated that he would be supportive of some relief because of the high-pressure gas line. It could be somewhat grounded with 15 trees.

Mr. Leighty asked Mr. Capron how he would feel about a compromise. Mr. Capron stated that it would help. He explained what he is trying to communicate is that the front yard is bigger and he is not trying to get something for nothing; there was a great investment in saving the existing trees and building around them. Mr. Leighty stated that the applicant didn't save the trees for the purpose of meeting the landscaping chapter, but rather saved the trees because they have value and add value to the subject property. Mr. Capron stated that they could plant trees in the north end and be compliant with the Code.

In response to Mr. Boulden, Mr. Leighty stated that he wasn't looking for a continuance.

Ms. Cantrell stated that she understands that the requirement is the total number and he can plant them anywhere along the street yard frontage.

In response to Mr. Leighty, Mr. Sansone stated that he would rather see eight trees in the street yard than no trees in the street yard. Mr. Sansone stated that he agrees with Mr. Henninger that coming from the north it is difficult to see the church, but coming from the south you can see the church through the parking area. Mr. Sansone stated that the requirement is that properties abutting arterial streets have to maintain the public ground and abide by the Code.

Mr. Perkins stated that the street yard trees are for the beautification of Tulsa and not the beautification of the land owners. Mr. Perkins indicated that he can't support this application or a compromise.

Mr. Stirling stated that 15 trees is the minimum and no one is stating that they can only be 1 ½ inches in diameter; they could be larger. This should have come up earlier before the driveway and he will have to support the staff recommendation.

Mr. Edwards stated that the landscape requirements are there for a reason and reducing the trees really does not serve a purpose. Mr. Edwards indicated that he is opposed to this application.

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 **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, Perkins Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Midget "absent") to **DENY** the alternative compliance landscape plan per staff recommendation.

* * * * *

OTHER BUSINESS:

23. Discussion of City Council Consensus 2011-11

Council consensus directing the Tulsa Metropolitan Area Planning Commission to hold public hearings, analyze and recommend to the City Council ordinance amendments to the Zoning Code of the City of Tulsa to amend Title 42, Section 1103 of the Tulsa Revised Ordinances by deleting subsection (A) (3).

STAFF RECOMMENDATION:

Mr. Alberty informed the Planning Commission that the City Council has requested the Planning Commission to hold public hearings and analyze and recommend to the City Council amendments to the Zoning Code regarding Section 1103, (A) (3).

TMAPC COMMENTS:

Mr. Leighty stated that he has the highest respect for the City Councilors and the work that they do. They are elected officials and the Planning Commission is a recommending body, but he is surprised to see this come forward like this. Mr. Leighty questioned if the City Council fully understands what they are requesting, especially now that we are trying to move forward and implement a new comprehensive plan with limited tools to do so until the Zoning Code is revised. The PUD is the only tool the Planning Commission really has in order to implement the new plan. This would basically take one tool out of the tool box and hamstring things. Mr. Leighty concluded that this doesn't make any sense whatsoever and he personally does not see the need to hold a public hearing to discuss this.

Mr. Boulden stated that the Planning Commission is obligated to hold the public hearings as requested by the City Council.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** to direct staff to advertise and set a public hearing for July 6, 2011 to analyze and provide a report to the City Council regarding the consideration of amending the Zoning Code, Section 1103, Subsection (A) (3).

24.*Approval of Consent to Vacation of Methodist Manor Plat, Plat No. 3941 and Amended Plat of Methodist Manor, Plat No. 4406.

STAFF RECOMMENDATION:

Mr. Boulden stated that this is to clean up land records. The subject property has been replatted and there are covenants in place and this would remove the old underlying plats.

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 **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the consent to vacation of Methodist Manor Plat, Plat No. 3941 and Amended Plat of Methodist Manor, Plat No. 4406 per staff recommendation.

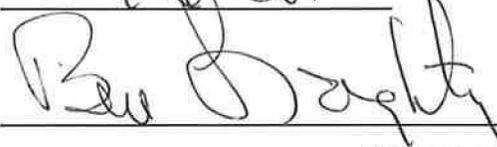
Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 4:05 p.m.

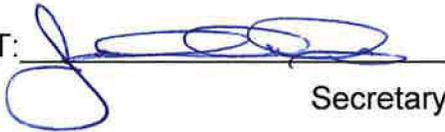
Date Approved:

7-6-2011



Chairman

ATTEST:



Secretary

