

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Minutes of Meeting No. 2609**

Wednesday, September 7, 2011, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 1, 2011 at 2:51 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

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

Mr. Leighty announced the passing of Gwen Goff, advocate for PLANiTULSA, and played a DVD portion of Ms. Goff speaking to the TMAPC regarding PLANiTULSA. Mr. Leighty requested that everyone keep Ms. Goff's family and friends in their prayers.

Mr. Midget in at 1:37 p.m.

Mr. Leighty indicated that there will be a work session immediately following today's TMAPC meeting.

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

Mr. Alberty stated that there are no items on the BOCC or City Council agendas.

Mr. Midget out at 1:38 p.m.

**Minutes:**

**Approval of the minutes of August 17, 2011 Meeting No. 2608**

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Cantrell, Carnes, Edwards, Leighty, Liotta, Walker "aye"; no "nays"; Shivel "abstaining"; Dix, Midget, Perkins, Stirling "absent") to **APPROVE** the minutes of the meeting of August 17, 2011, Meeting No. 2608.

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

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

\* \* \* \* \*

**AGENDA:**

**CONSENT AGENDA:**

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

2. **LS-20456**, (Lot-Split) (CD-3), Location: Northeast corner of North New Haven Avenue and East 36<sup>th</sup> Street North
3. **LS-20461**, (Lot-Split) (CD-8), Location: South of the intersection of 111<sup>th</sup> Street South and South Louisville Avenue
4. **LS-20455**, (Lot-Split) (CD-2), Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (related to Items 5, 14 & 15)
5. **LC-353**, (Lot-Combination) (CD-2), Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (related to Items 4, 14 & 15)
6. **LS-20458**, (Lot-Split) (CD-4), Location: South of the southeast corner of South Denver Avenue and West 2<sup>nd</sup> Street South (related to Item 7)
7. **LC-355**, (Lot-Combination) (CD-4), Location: Southeast corner of South Denver Avenue and West 2<sup>nd</sup> Street South (related to Item 6)



8. **Change of Access** – Location: 1624 South Memorial Drive, southwest corner of East 17<sup>th</sup> Street and South Memorial Drive (CD 5)
9. **Change of Access** - Location: East of northeast corner of West 4<sup>th</sup> Street and South Denver Avenue, Lots 5, 6, 7 of Block 133, Original Townsite of Tulsa (CD 4)
10. **PUD-179-S-7 – Crown Neon Signs/Justin Moydell/Mattress Firm**, Location: West of the southwest corner of 71<sup>st</sup> Street South and South Mingo Road, Requesting a Minor Amendment to increase the permitted wall signage allotment from one square foot of display surface area per lineal foot of building wall 1:1 to 2:1 and request to increase the height of a sign from 8 feet to 15 feet, **RM-1/CS/PUD**, (CD-7)
11. **PUD-649-3 – Tanner Consulting/Matt Baer/Birmingham Square**, Location: South of the southwest corner 31<sup>st</sup> Street South and South Birmingham Avenue, Requesting a Minor Amendment to raise the height of a screening wall to a maximum of 10' 6", **RS-1/PUD-649**, (C-9)

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

##### **PUBLIC HEARINGS:**

12. **Stonegate III** – Preliminary Plat, Location: East of the northeast corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (CD 6)
13. **QuikTrip Number 0107** – Preliminary Plat, Location: East of northeast corner of Highway 75 and West 71<sup>st</sup> Street (CD 2)
14. **Z-7008-SP-1-3,5** – Plat Waiver, Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (CD 2) (Related to Items 4, 5 & 15)
15. **Z-7008-SP-4 – Sack & Associates/Mark Capron/Tulsa Hills**, Location: North of the northwest corner of West 81<sup>st</sup> Street and South Olympia Avenue, Requesting a Corridor Plan to allow for automotive use to be added to Lot 10 and Tract 9B of Block 1 within the Tulsa Hills Regional Shopping Center, **CO**, (CD-2) (Related to Items 4, 5 & 14)
16. **2960 Charles Page Boulevard** – Plat Waiver, Restore Hope (CD 2)
17. **PUD-131-F – Kevin Bledsoe/QuikTrip**, Location: Southwest corner of South Garnett Road and East Skelly Drive, Requesting a Major Amendment to increase the height of a sign, decrease the sign setback requirement from an abutting freeway right-of-way and to decrease the setback requirement for a sign from a residential district, **CS/PUD-131-C to CS/PUD-131-F**, (CD-5)

18. **CZ-410 – Smalygo Properties, Inc./J. Smalygo**, Location: South of southwest corner of East 156<sup>th</sup> Street North and Highway 169, Requesting **AG to CG**, (County)
19. **Z-7180 – Jerome & Leslie Wade**, Location: East of southeast corner West Easton Court and North 27<sup>th</sup> West Avenue, Requesting **RS-3 to PK**, (CD-1)
20. **PUD-648-D/Z-6001-SP-4 – Andrew Shank/Olympia Land Development, LLC**, Location: Northeast corner of Highway 75 and West 71<sup>st</sup> Street, Requesting Major Amendment to Corridor Plan to add Outdoor Advertising as a permitted use within Development Areas B and D of PUD-648-B, **CO/PUD-648-B to CO/PUD-648-D**, (CD-2)
21. **Z-7181 – Roy D. Johnsen/Utica Place, LLC**, Location: East of southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue, Requesting **RM-2 to OMH**, (CD-9) (Related to Item 22.)
22. **PUD-680-A – Roy D. Johnsen/Utica Place, LLC**, Location: Southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue, Requesting a Major Amendment to amend the development standards for Development Area A to allow two mid-rise office buildings with a maximum height of four stories and under 51,000 square feet of permitted floor area, increase the permitted number of condominium dwelling units in Development Area B from ten units to twelve units, **RM-1/RM-2/PUD-680 to OMH/PUD-680-A**, (CD-9) (Related to Item 21.)
23. **CZ-411 – Bill Luster**, Location: Northeast corner of East 126<sup>th</sup> Street North and North 139<sup>th</sup> East Avenue, Requesting **AG to CS**, (County)
24. **Z-7182 – Roy D. Johnsen/Victor Welding Supply**, Location: East of southeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street and east of the northeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street, Requesting **RM-2 to IL**, (CD-4)
25. **Z-7178 – Tulsa North Community Development Corporation**, Location: North of northeast corner of East Latimer and North Main Street, Requesting **RS-4 to RM-3/CS**, (CD-1) (Related to Items 26 and 27.)
26. **Z-7179 – Tulsa Development Authority**, Location: North and east of East Latimer Street and North Main Street, Requesting **RS-4/CS to RM-3/CS**, (CD-1) (Related to Items 25 and 27.)
27. **PUD-786 – Tulsa Development Authority & Tulsa North Community Development Corporation**, Location: North and east of East Latimer and

North Main Street, Requesting PUD is an infill development proposal to construct a mixed-use facility permitting 162 senior living apartment units with a maximum of 20,000 square feet of commercial floor area, two 4-story apartment buildings with commercial uses located on the ground floor of the southern building along Latimer Street and the building on the northern half of the subject site would be limited to the residential use, **RS-4/CS to RM-3/CS/PUD** (CD-1) (Related to Items 25 and 26.)

## **OTHER BUSINESS**

### **28. Commissioners' Comments**

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## **MINUTES:**

### **CONSENT AGENDA**

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

2. **LS-20456**, (Lot-Split) (CD-3), Location: Northeast corner of North New Haven Avenue and East 36<sup>th</sup> Street North
3. **LS-20461**, (Lot-Split) (CD-8), Location: South of the intersection of 111<sup>th</sup> Street South and South Louisville Avenue
4. **LS-20455**, (Lot-Split) (CD-2), Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (related to Items 5, 14 & 15)
5. **LC-353**, (Lot-Combination) (CD-2), Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (related to Items 4, 14 & 15)
6. **LS-20458**, (Lot-Split) (CD-4), Location: South of the southeast corner of South Denver Avenue and West 2<sup>nd</sup> Street South (related to Item 7)
7. **LC-355**, (Lot-Combination) (CD-4), Location: Southeast corner of South Denver Avenue and West 2<sup>nd</sup> Street South (related to Item 6)

8. **Change of Access** – Location: 1624 South Memorial Drive, southwest corner of East 17<sup>th</sup> Street and South Memorial Drive (CD 5)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to shift an existing access and delete an access along East 17<sup>th</sup> Street, and to add an access along South Memorial Drive. The property is zoned CS (Commercial Shopping).

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.

9. **Change of Access** - Location: East of northeast corner of West 4<sup>th</sup> Street and South Denver Avenue, Lots 5, 6, 7 of Block 133, Original Townsite of Tulsa (CD 4)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to add an access on South Denver Avenue. The property is zoned CBD (Central Business District).

Staff can recommend **APPROVAL** of the change of access because the Traffic Engineer and his staff reviewed and approved the request.

10. **PUD-179-S-7 – Crown Neon Signs/Justin Moydell/Mattress Firm**, Location: West of the southwest corner of 71<sup>st</sup> Street South and South Mingo Road, Requesting a Minor Amendment to increase the permitted wall signage allotment from one square foot of display surface area per lineal foot of building wall 1:1 to 2:1 and request to increase the height of a sign from 8 feet to 15 feet, **RM-1/CS/PUD**, (CD-7)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted wall signage allotment from 1 square foot (SF) of display surface area per lineal foot of building wall 1:1 to 2:1 and a request to increase the height of a sign from 8' to 15'. The request is being made for the subject tract only.

Sign standards for this lot currently allow wall signs at a ratio of 1:1 with no wall signs allowed on the south-facing building wall and one monument style sign not to exceed 8 feet in height, nor 100 SF display area. Research by staff does not conclusively determine why the sign standards for this lot were made restrictive, given the underlying CS zoning and the tract's proximity to residential development.

Please refer to the attached case photographs and exhibits. The lots fronting 71<sup>st</sup> Street South within the vicinity of the subject tract allow free-standing signs which are comparable to the requested increase in sign height for the subject tract. These locations, including PUD-179-R to the west and PUD-468 to the north, allow wall signs at a ratio of 2:1.

Triggering the need for this amendment is application for "remove and re-hang" sign permits with the City of Tulsa seeking to replace existing signage with the new tenant's signs of basically the same size and height. At that time it was discovered that the existing signage was non-conforming.

Given the surrounding commercial properties and the sign allotments for those properties, staff contends approval of this request would not substantially alter the approved Development Plan or the character of the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-179-S-7 allowing one ground sign 15 feet in height with 50 SF of display area and a wall sign ratio of 2:1.

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

11. **PUD-649-3 – Tanner Consulting/Matt Baer/Birmingham Square,**  
Location: South of the southwest corner 31<sup>st</sup> Street South and South Birmingham Avenue, Requesting a Minor Amendment to raise the height of a screening wall to a maximum of 10' 6", **RS-1/PUD-649, (C-9)**

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to raise the height of a screening wall to a maximum of 10' 6". Please refer to the attached Exhibit 1. Specifically, the height of the columns of the wall would reach a maximum of 10' 6", while the wall panels themselves would vary from 8' to approximately 10'. The increase is being sought for 140 linear feet of the wall.

Please refer to the attached case photographs. The site of the wall sits at a location where two gradual slopes come together on a decline. The applicant cites the terrain of the wall location as creating the need to raise the height of the wall to allow for increased privacy.

The planning commission by minor amendment may change structure heights so long as the approved Development Plan, the approved PUD

standards, and the character of the development are not substantially altered.

Given the sloping terrain toward the wall location, staff believes an increase in the height of this wall, at this location will not substantially alter the development and can support the application.

Therefore, staff recommends **APPROVAL** of PUD-649-3.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to **APPROVE** the consent agenda Items 2 through 11 per staff recommendation.

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## **PUBLIC HEARING**

12. **Stonegate III** – Preliminary Plat, Location: East of the northeast corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (CD 6)

### **STAFF RECOMMENDATION:**

The applicant has requested a continuance to September 21, 2011.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to **CONTINUE** the preliminary plat for Stonegate III to September 21, 2011.

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13. **QuikTrip Number 0107** – Preliminary Plat, Location: East of northeast corner of Highway 75 and West 71<sup>st</sup> Street (CD 2)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.68 acres.

The following issues were discussed August 18, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 783-A (CS/OL). Release letters from the pipeline company with lines crossing the property are needed.
2. **Streets:** A 28-foot emergency access must be designated as mutual access easement by separate instrument. Limits of No Access and access outside the site boundary must provide plat reference. Access with median is called out as 65 feet and 70 feet. Both should be the same. Section 1.H.; Section II.D- Use standard sidewalk language. Show curve information for driveways.
3. **Sewer:** The 11-foot utility easement along the north boundary line needs to be increased to a 17.5-foot utility easement. Excess capacity fees of \$1,900.00/acre will be assessed for the area that was not originally included in the Olympia Medical Park plat. Off-site separate easements may be needed to be dedicated by separate instrument.
4. **Water:** Add to the legend R/W/E – Restrictive Waterline Easement; Add "By Separate Instrument" to the off site waterline easement. On the eastern property line a 15-foot R/W/E can be allowed so long as it stays adjacent to a utility easement. Provide language that allows the 20-foot restrictive waterline easement to be placed inside an existing 60-foot R/W for TransOk Pipeline. Show the existing pipe inside the Trans OK 60 foot R/W area. Show both valves and fire hydrants on the proposed water main line.
5. **Storm Drainage:** The instrument number for the mutual access easement must be placed in the blank. Remove Olympia Medical Park II Lot and Block information from the platted area. Distinguish between existing easements and those being dedicated by this plan, by using different line symbols. Add "R/W/E" to the legend. Add bearings for the north and east boundary lines of the stormwater detention easement, which must be in a Reserve because this plat has more than one lot. Add distances and bearings for the bounding lines of Reserve D in this platted area. Drainage flowing onto this site, from the north right of way of 71<sup>st</sup> Street, is public drainage, and as such, it must be collected at the south plat boundary. Then it must be conveyed across this site in a public easement, either overland drainage easement or storm sewer easement, which must be shown on the plat. Use standard language for "Water, Sanitary Sewer, and Storm Sewer Service",

and" Reserve A" stormwater detention easement", "overland drainage easement" may need to be added. Offsite drainage flowing onto the site must be collected and conveyed across the site in a public easement. QuikTrip's south and west curb will not be allowed to block this drainage. All additional drainage must be collected, and then piped to the stormwater detention facility.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Any signs proposed in easements will need to be further reviewed. If PSO lines are to be relocated on the east side the developer will have to pay for this cost.

7. **Other: Fire:** No comment.

**GIS:** Provide the email address for the surveyor. On the location map the properties of New Life Christian school and new life Pentecostal church are platted as the lighthouse church on the County Assessors' map. Add a north arrow to the location map. The point of commencement to the point of beginning will need to be described in the legal description. Add a leading zero to all single digit degree descriptions on the face of the plat to match what is shown in the legal description. Submit a subdivision control data form correctly describing boundaries. Address is 809 West 71<sup>st</sup> Street.

**Airport:** Air study reports are needed.

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.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to **APPROVE** the preliminary plat for QuikTrip Number 0107, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

14. **Z-7008-SP-1-3.5** – Plat Waiver, Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (CD 2) (Related to Items 4, 5 & 15)

**STAFF RECOMMENDATION:**

Mrs. Fernandez requested that this application be stricken due to an incorrect legal description.

**STRICKEN.**

15. **Z-7008-SP-4 – Sack & Associates/Mark Capron/Tulsa Hills**, Location: North of the northwest corner of West 81<sup>st</sup> Street and South Olympia Avenue, Requesting a Corridor Plan to allow for automotive use to be added to Lot 10 and Tract 9B of Block 1 within the Tulsa Hills Regional Shopping Center, CO, (CD-2) (Related to Items 4, 5 & 14)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21009 dated February 18, 2005, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7008-SP-3 December 2009:** All concurred in approval of a Corridor Site Plan on a 6.56± acre tract of land to add auto wash only within Use Unit 17 on tract 2-C, in the Tulsa Hills development, on property located north of northeast corner of West 81<sup>st</sup> Street and South Olympia Avenue.

**Z-7008-SP-2 March 2008:** All concurred in approval of a Corridor Site Plan on a 1.31± acre tract of land to add tire sales, brake repair/replacement, chassis alignment, shock absorber maintenance and installation, battery sales, oil changes and lubrication, and engine tune-up services only, to the permitted uses of Tract A, in the Tulsa Hills development, and to approve specific building materials as well as orientation of service bay doors, on property located north of northwest corner of West 81<sup>st</sup> Street and South Olympia Avenue.

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

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.29± acres in size and is located north of northwest corner of West 81<sup>st</sup> Street and South Olympia Avenue. The property appears to be vacant and is zoned CO.

**SURROUNDING AREA:** The subject tract is abutted on the east by Olympia Avenue, and then Lots 3 and 4, Block 2 Tulsa Hills (Sam's Club) zoned CO; on the north by Lot 8, Block 1 – Tulsa Hills, zoned CO; on the south by a drainage channel, zoned CO; and on the west by Highway 75, zoned AG.

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

### **TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan does not designate Olympia Avenue.

### **TULSA CITY-CIOUNTY MAJOR STREET AND HIGHWAY PLAN**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South Olympia Avenue	Residential Collector	100'	5

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

The Tulsa Comprehensive Plan identifies the subject tract as an "Area of Growth" with a land use classification of "Regional Center".

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 exist 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.

A **center** is the focal point of one or more neighborhoods. Centers provide convenient access to shops, restaurants and community-oriented services, such as day cares, libraries and meeting halls. There are shorter auto trips and more walking and bicycling in a center since residential and commercial areas are near each other. Centers often are the site for transit stations and bus route intersections. Those centers with pedestrian and bicycle-friendly streets entice residents to walk to major transit facilities. Attractive and safe pedestrian connections from the surrounding neighborhood to the center encourage people to walk or bike to destinations such as transit stations, bus stops or businesses.

The size of a center and its role in the city vary correspondingly with the scale and accessibility of the surrounding neighborhoods. Ideally, centers should support both daytime and evening activities to create an attractive and safe neighborhood destination.

The Centers building block includes three types of plan categories, Neighborhood Centers, Town Centers, and Regional Centers.

**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.

Staff contends the proposed Corridor District Plan **is in accord** with the Plan.

**STAFF RECOMMENDATION:**

The purpose of Corridor District Plan Z-7008-SP-4 is to allow for automotive use to be added to Lot 10 and Tract 9B of Block 1 within the Tulsa Hills Regional Shopping Center. The tracts are located on the west side of Olympia Avenue, adjacent to US Highway 75 just north of the existing Hibdon Tire Store. The proposal is to allow for construction of a discount retail tire store.

The Corridor Plan also proposes the splitting of Lot 10 by splitting a 15-foot by 282 foot tract from Lot 10 and adding it to Tract 9B creating the new Tract 9B-10B. Also appearing on the 9/7/2011 agenda of the TMAPC are associated Lot Split Application LS-20445 and Lot Combination LC-353.

The proposed amendment also re-allocates floor area between the two tracts. There is no zoning change request nor is there a request to increase floor area as a result of the lot-split and combination. If approved, all other development standards of Tulsa Hills as originally approved would remain effective.

With the addition of automotive uses to Tulsa Hills in 2008 (Hibdon Tires) and 2009 (the tunnel car wash on the east side of Olympia Avenue) there was some concern among a few of the Planning Commissioners that the complexion of the development would be irreparably harmed. There has also been the construction of a Sam's Club Fueling Facility this year (allowed by right under Use Unit 14 – Shopping Goods and Services). Given the location of these lots, excepting the car wash, along the west side of the development along US Highway 75 it seems as if the use is

occurring with little to no disruption or impact to the surrounding business properties and most importantly the neighborhood located approximately 725 feet to the east. There is also a Sam's Club Store now intervening between the subject tracts and the neighborhood to the east.

**Staff has carefully reviewed this proposal and would like to**

Based on the factors cited above, staff can support this application. Based upon the proposed Concept Plan staff finds Z-7008-SP-4 to be: (1) in harmony with the existing development of surrounding areas; (2) a unified treatment of the development possibilities of the site given the previously approved automotive uses; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7008-SP-4 subject to approval of Lot Split application LS-20445 and Lot Combination LC-353, and subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified below.

All development standards of Z-7008-SP-1 shall remain effective unless modified herein.

2. Development Standards:

<b>Lot 9A-10B Lot Area:</b>	50,799 SF
<b>Tract 10 A Lot Area:</b>	49,129 SF

**ADDITIONAL PERMITTED USES:**

Automobile Tire Sales and Automobile Service only as permitted within vehicle repair and service by Use Unit 17 – Automotive and Allied Activities including the sale of tire and auto accessories.

**MAXIMUM PERMITTED FLOOR AREA:**

Lot 9A-10B:	14,590 SF
Tract 10A:	14,110 SF

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking, and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all



required landscaping, and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

5. No sign permits shall be issued for erection of a sign on a lot within the development until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 805-E 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 Corridor Site plan conditions of approval and making the City beneficiary to said covenants that relate to the Corridor Site Plan conditions.
10. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.
11. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being

loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** No comments.

**Water:** A 12-inch water main line exists on the eastside of Olympia Ave.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation:**

- **MSHP:** US HWY 75 borders the W. side of the property. Olympia Ave. between 71<sup>st</sup> St. and 81<sup>st</sup> W. is designated residential collector.
- **L RTP:** US-75, between W. 71<sup>st</sup> Street S. and W. 81<sup>st</sup> Street S., planned 6 lanes. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates existing routes at this location. 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.

**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 **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the corridor plan for Z-7008-SP-4 per staff recommendation.

**Legal Description for Z-7008-SP-4:**

A TRACT OF LAND BEING A PART OF LOT 9 OF BLOCK 1, TULSA HILLS, AN ADDITION TO THE CITY OF TULSA IN SECTION ELEVEN (11), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 9, BLOCK 1, TULSA HILLS; THENCE S 00°00'18" E ALONG THE EASTERLY LINE OF SAID LOT 9, A DISTANCE OF 35.29 FEET, TO THE POINT OF BEGINNING; THENCE S 89°59'08" W A DISTANCE OF 280.32 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT ALSO BEING ON THE WEST



LINE OF LOT 9; THENCE SOUTHERLY ALONG SAID WEST LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 34,562.48 FEET AND A DELTA OF 00°16'23" FOR AN ARC LENGTH OF 164.72 FEET WITH A CHORD BEARING OF S 00°36'47" W FOR A CHORD LENGTH OF 164.72 FEET TO THE SOUTHWEST CORNER OF LOT 9; THENCE N 89°59'08" E ALONG THE SOUTHERLY LINE OF LOT 9 A DISTANCE OF 282.10 FEET TO THE SOUTHEAST CORNER OF LOT 9; THENCE N 00°00'18" W ALONG THE EASTERLY LINE OF LOT 9 A DISTANCE OF 164.71 FEET TO THE "POINT OF BEGINNING", CONTAINING 46,307 SQUARE FEET OR 1.063 ACRES OF LAND, MORE OR LESS. AND LOT 10 IN BLOCK 1 OF "TULSA HILLS".

\* \* \* \* \*

16. **2960 Charles Page Boulevard** – Plat Waiver, Restore Hope (CD 2)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a building permit request.

***Staff provides the following information from TAC at their August 18, 2011 meeting:***

**ZONING:**

TMAPC Staff: A request to enlarge and straighten an existing building after it was damaged triggered a plat requirement.

**STREETS:**

An additional five feet of right-of-way may be required along Charles Page Boulevard.

**SEWER:**

No comment.

**WATER:**

An eight-inch water main line exists along the south side of Charles Page Boulevard. A 12-inch water line exists along Riverside Station Road.

**STORMWATER:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** at this time of the plat waiver. The circumstances of the lack of requirements for TAC and the existing building situation could allow this at this time. Future changes in use or capacity might warrant a plat in the future.

***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.?		
a) If yes, was plat recorded for the original P.U.D.		X

- |     |   |   |
|-----|---|---|
| 10. | Is this a Major Amendment to a P.U.D.?<br>a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?        | X |
| 11. | Are mutual access easements needed to assure adequate access to the site?   | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to **APPROVE** the plat waiver for 2960 Charles Page Boulevard per staff recommendation.

\*\*\*\*\*

17. **PUD-131-F – Kevin Bledsoe/QuikTrip**, Location: Southwest corner of South Garnett Road and East Skelly Drive, Requesting a Major Amendment to increase the height of a sign, decrease the sign setback requirement from an abutting freeway right-of-way and to decrease the setback requirement for a sign from a residential district, **CS/PUD-131-C to CS/PUD-131-F**, (CD-5)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 12668 dated December 22, 1972, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-21300 August 9, 2011:** The Board of Adjustment approved a Variance of the maximum permitted height for a business sign in the CS district from 50 ft. to 70 ft.; a Variance of the setback requirement for a sign from an abutting freeway street frontage; and a Variance of the minimum setback required for a sign from an R district from 200 ft., per plan on page 4.6 of agenda packet, on property located at 1302 South Garnett Road.

**PUD-131-E May 1999:** All concurred in approval of a proposed Major Amendment to Planned Unit Development to increase the maximum building floor area from 3,666 SF to 3,940 SF.

**BOA- 15248 September, 1989:** The Board of Adjustment upheld the decision of the Code Inspector that the existing sign would be considered a flashing sign. As an alternative, the Board approved a variance to allow a flashing, changeable lettering sign on property located on the southwest corner of Skelly By-Pass and South Garnett Road within the PUD-131.

**PUD-131-D October 1986:** All concurred in approval of a request for a Major Amendment on a 3.2± acre tract located in the southwest corner of the PUD to increase the allowable square footage for the existing nursing home and accessory maintenance building and to amend the development standards.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1± acre in size and is located at the southwest corner of South Garnett Road and East Skelly Drive. The property appears to be developed as a convenience store- and is zoned CS/PUD-131-C.

**SURROUNDING AREA:** The subject tract is abutted on the north East Skelly Drive and I-44, zoned RS-3; on the east by Garnett Road and then Elm Hurst being used commercially and zoned CS; on the south by Interstate Park with commercial uses and related parking, zoned CS/PUD-131-E; and on the west by Interstate Park with mixed office, commercial and multifamily uses, zoned CS/RM-1/OL/PUD 131-C.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates East Skelly Drive (I-44) as an expressway, South Garnett Road as a bus rapid transit roadway. The Comprehensive Plan does not designate East 14<sup>th</sup> Street.

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

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South Garnett Road	Secondary arterial	100'	4

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Tulsa Comprehensive Plan classifies this property as an "Area of Growth" with a land use classification of "Employment Center" with a "Mixed Use Corridor" along the Skelly Drive Frontage.

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.

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

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

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

#### **STAFF RECOMMENDATION:**

The purpose of major amendment PUD-131-F is to increase the height of a sign, decrease the sign setback requirement from an abutting freeway right-of-way (ROW), and to decrease the setback requirement for a sign from a residential district. If approved the sign would be located adjacent to East Skelly Drive/Interstate 44, southwest of the intersection of the west bound exit ramp to Garnett Road from I-44. The location is within a freeway sign corridor.

Staff determined the request was a major amendment since the original request was to increase the permitted height of the sign from 50' to 100', making it what staff believes to be the tallest free-standing sign in the City

of Tulsa. Prompting staff's determination was the aforementioned and the potential impact to the residential neighborhoods to the north of I-44 and the residential structures located to the west of the site.

Prior to consideration of the minor amendment by the TMAPC the applicant was required to seek relief from the restrictions stated above in the form of three (3) variances from the City Board of Adjustment (BOA). Specifically, the requests heard by the Board were a variance of the maximum permitted height for a business sign in the CS district (Section 1221.D.1) from 50 ft. to 100 ft.; a variance of the setback requirement for a sign from an abutting freeway street frontage (Section 1221.D.1 & 1221.C.1.c); and a variance of the minimum setback required for a sign from an R district from 200 ft. (Section 1221.C.1.b).

The applicant described to the Board the height difference between I-44 and the sign location as well as, limited visibility of the sign from the freeway as necessitating the relief.

On August 9, 2011 in case number BOA-21300 the Board voted 3-1-0 to grant the variances, limiting the height of the sign to 70'. Other conditions included the sign be backlit only and there be no flashing lights. The variances were approved per conceptual site plans 4.5 and 4.6, attached herein as Exhibits 4.5 and 4.6. Case report supporting documentation and photographs are also attached.

Staff supports the decision of the BOA and given the location of the proposed sign finds the Board's ruling to be in harmony with the spirit and intent of the Code. Staff finds PUD-131-F 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-131-F subject to the following conditions:

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

All conditions and development standards of PUD-131 and subsequent amendments shall remain effective unless modified herein.

2. Development Standards:

### **SIGNS:**

Signs shall comply with the restrictions of section 1103.B.2 of the Tulsa Zoning Code and in addition shall comply with the following restrictions:

1. The free standing sign located along the Skelly Dr./I-44 frontage shall not exceed a height of 70' measured from grade at the base of the sign to the top of the cabinet;
2. Configuration of the ground sign along the Skelly Dr./I-44 frontage shall be in substantial conformance with conceptual site plan identified as Exhibits 4.5 and 4.6 as attached herein per case BOA-21300 (8/9/11);
3. Signs shall be backlit/internally lit only;
4. No flashing signs are permitted.

No sign permits shall be issued for erection of a sign on a lot within the development until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.

3. 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.

### **TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated that the Board of Adjustment considered the topography, obstruction of the view and the elevation of the highway when making their decision. There not be any flashing lights and it has to be internally lit. The Board did put restrictions



on the signage and given the location of the subject property he doesn't believe there would be any impact on the height.

Mr. Carnes stated that he believes that there will be other signs that will want to be higher. He explained that he will be in support of this because one wouldn't be able to see the sign without raising it. The PUDs require tree plantings in the parking lots and once they become mature the foliage hides the sign visibility.

**Applicant's Comments:**

**Kevin Bledsoe**, Real Estate Project Manager for QuikTrip, stated that he is in support of staff recommendation and the BOA recommendation. He realizes that in the spring foliage will probably cover the sign at 70 feet in height.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Bledsoe if he took pictures of the sign from Garnett to see what it would look like at 70 feet. In response, Mr. Bledsoe stated that it won't face that direction so he didn't take pictures.

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

Mr. Carnes moved to approve the staff recommendation.

Mr. Leighty stated that he would like to have some discussion first.

Mr. Leighty stated that this concerns him and Mr. Carnes made a good point that it wouldn't be unusual for people coming and asking for relief on this issue. No one can deny what a great corporate citizen QuikTrip is and they are hard to say no to because they do so much for our community. Mr. Leighty stated that he is interested in what other Commissioners have to say.

Mr. Midget stated that he would support the request.

Mr. Edwards stated that the Board of Adjustment already heard this and made a compromise and he doesn't see how the Planning Commission can override their approval because only District Court can do that. He doesn't see any problem with approving this application.

Ms. Cantrell stated that she doesn't believe it is consistent with the PUD Chapter and what the Planning Commission looks at is something different from what the Board of Adjustment looks at. The Zoning Code states that the sign should be 50 feet and if that isn't adequate then the Zoning Code should be changed. She doesn't like the idea of I-44 being lined up and down with 70-foot signs. QuikTrip might be a good neighbor,



but the Planning Commission is potentially looking at adult entertainment signs, or all sorts of different signs. Ms. Cantrell indicated that she would be opposed to this application. The Planning Commission doesn't have to rubber-stamp the Board of Adjustment.

Mr. Midget stated that he appreciates Ms. Cantrell's comments, but Mr. Sansone makes a good point, it is not intrusive on any adjacent neighborhoods. He doesn't believe that the Planning Commission will approve any and all request that comes through. He doesn't believe that they will all be similarly situated. The Board of Adjustment heard this request and made some compromises and he will give some difference to their decision and move forward with it. Mr. Midget indicated that he would be supportive of this application.

Mr. Liotta stated that looking at this simply, the purpose of the sign is to let vehicles from the highway know that if they need gasoline there is a station available. The geographic conditions in this particular location would make it impossible to see the sign at 60 feet, then it makes sense to him to make an allowance for that.

Mr. Leighty stated that Ms. Cantrell has made a good point and somebody needs to. If the Planning Commission wants to change the Zoning Code to allow for a higher sign, then we may very well have to do that. Right now we are doing this on a case-by-case basis and this is a case that he will support.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-1-0** (Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; Cantrell "nay"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-131-F per staff recommendation.

**Legal Description for PUD-131-F:**

The East 172.99 feet of north 160.00 feet of lot 2, block 1, Interstate Park (Plat#4476) formerly Strawberry Creek Addition a re-subdivision of a part of lot 1, and lot 2, block 2, Pheasant Run Addition to the city of Tulsa, Tulsa county, Oklahoma, and a part of lot 3, block 1, said Interstate Park being more particularly described as follows, to-wit; Beginning at the southeast corner of said lot 3, thence due west and along the south line of said lot 3 a distance of 211.99 feet to the southwest corner of said lot 3, thence N 36.57.19 W a distance of 20.37 feet, thence N 61.02.34 E a distance of 254.95 feet, thence S 00.28.30 E a distance of 139.72 feet to the point of beginning and containing 1.034 acres or 45,059.03 square feet.

\* \* \* \* \*

18. **CZ-410 – Smalygo Properties, Inc./J. Smalygo**, Location: South of southwest corner of East 156<sup>th</sup> Street North and Highway 169, Requesting AG to CG, (County)

**STAFF RECOMMENDATION:**

**ZONING RESOLUTION:** Resolution number 98204 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

No relevant zoning history

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.5± acres in size and is located south of the southwest corner of East 156<sup>th</sup> Street North and Highway 169. The property appears to be agriculture/storage/residential/previous commercial and is zoned AG. The site abuts the Collinsville city limits to the north.

**SURROUNDING AREA:** The subject tract is abutted on the east by U.S. 169, zoned AG; on the north by large-lot agricultural/residential uses, zoned AG and by large-lot residential/agricultural, zoned CS; on the south by U.S. 169 and agricultural/vacant properties, zoned AG; and on the west by vacant/agricultural properties, zoned AG.

**UTILITIES:** The subject tract rural water and aerobic septic system.

**TRANSPORTATION VISION:**

The Comprehensive Plan designates U.S. 169 as a highway, with divided lanes. The access to the property is from U.S. 169.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
The access is from U.S. 169.	Highway	varies	4 lanes, divided

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This property is beyond any of the District or County plans, so no adopted plans appear to apply to it. The property is surrounded on three sides by AG zoning and on the north by CS zoning.

**STAFF RECOMMENDATION:**

This property does not lie adjacent to any CG zoning, but is adjacent to CS zoning on the north. If the TMAPC so desires, with the CG having been advertised, CS could also be considered, with the applicant required to go to the BOA for a special exception. Staff cannot recommend CG

zoning at this time, so recommends **DENIAL** of CG zoning on the site and **APPROVAL** of CS zoning in the alternative.

**Applicant's Comments:**

**Brian Green**, 17211 South 4170 Road, Claremore, Oklahoma 74017, stated that the subject property was previously a feed store and sold tack. Mr. Green stated that there is property zoned CG to the north of the subject property.

**TMAPC COMMENTS:**

In response to Mr. Leighty, Ms. Matthews stated that according to the zoning map there is no property zoned CG in the subject area; it is all zoned AG except for the CS to the north.

Mr. Carnes asked Mr. Green if he would be in agreement with the CS zoning as staff is recommended. Mr. Green asked what the Use Units in CS would be. He asked specifically if it would cover the sales of trailers, etc.

Mr. Alberty stated that he believes it would be a Use Unit 17 and could be there by special exception through the County Board of Adjustment.

Mr. Green stated that the reason CG was requested was so that they wouldn't have to come back for the special exception.

In response to Mr. Leighty, Ms. Matthews stated that the feed store was probably in existence before the Zoning Code was adopted in the County, which would make it grandfathered in as non-conforming.

Mr. Carnes stated that he would support staff's recommendation to approve the CS zoning.

Mr. Edwards asked Mr. Green if he would like to talk with Mr. Smalygo and see if he accepts the CS zoning. Mr. Green stated that at this time the CS zoning will work for now.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **DENIAL** of the CG zoning for CZ-410 per staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the CS zoning for CZ-410 per staff recommendation.

**Legal Description for CZ-410:**

A tract of land situated in the North Half of the Northeast Quarter (N/2 NE/4) of Section Twenty-one (21), Township Twenty-two (22) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING AT A POINT 1322.92 feet West and 662.14 feet North of the Southeast Corner of the said N/2 of the NE/4; THENCE East 661.56 feet to a point; THENCE North a distance of 331.37 feet to a point, 331.37 feet South of the North line of said N/2 of the NE/4; THENCE West 661.60 feet to a point; THENCE South a distance of 331.07 feet to the POINT OF BEGINNING. LESS AND EXCEPT: BEGINNING AT A POINT 662.75 feet North of and 661.48 feet West of the Southeast Corner of said N/2 of the NE/4 for a POINT OF BEGINNING; THENCE North a distance of 331.37 feet; THENCE West a distance of 134.32 feet; THENCE Southwesterly along a curve to the left (with a radius of 21,635.92) a distance of 405.81 feet; THENCE East a distance of 366.19 feet to the POINT OF BEGINNING.

\* \* \* \* \*

19. **Z-7180 – Jerome & Leslie Wade**, Location: East of southeast corner West Easton Court and North 27<sup>th</sup> West Avenue, Requesting **RS-3 to PK**, (CD-1)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7170 :** All concurred in approval of a request for rezoning a .79± acre tract of land from OM to CS on property located on the southeast corner of West Edison Avenue and North 27<sup>th</sup> West Avenue and abutting north across West Easton Court from subject property.

**Z-6940 May 2004:** All concurred in approval of a request for rezoning a .78± acre tract of land from RS-3 to OM for and office building, on property located on the southeast corner of West Edison Avenue and North 27<sup>th</sup> West Avenue; also known as the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 12,500± square feet in size and is located east of the southeast corner of West Easton Court and North 27<sup>th</sup> West Avenue. The property appears to be vacant and is zoned RS-3.

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

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate this roadway. It currently functions as a residential street. It is an asphalt two-lane roadway without curbs and gutters. The site has been cleared and a driveway remains.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West Easton Court	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this as an Area of Stability and an Existing Neighborhood. The residential area has clearly been in place for decades, and while undergoing some transition on the Edison Street frontage part, seems to be stable in the interior, where this property is located. The request for PK zoning is not in accord with the Comprehensive Plan, which envisions only single-family uses within existing single-family residential areas such as this.

**STAFF RECOMMENDATION:**

Staff points out that the request is blatantly for spot zoning; something the Comprehensive Plan opposes. Even with the required screening on three sides of the property, the parking lot in the middle of the residential block would be an intrusion. Therefore, staff recommends **DENIAL** of PK zoning for Z-7180.

**Applicant's Comments:**

**Jerome Wade, M.D.**, 2526 West Edison, cited the surrounding subject properties. He indicated that the subject property would be for overflow parking.

**TMAPC COMMENTS:**

Mr. Leighty asked Dr. Wade what type of surface the parking lot would have. In response, Dr. Wade stated that it would be asphalt or paved-stone type of surface. There would be low lights and trees as well. Mr. Leighty asked staff if there is anything that requires hard-surface parking in the PK districts. Ms. Matthews stated that anything a car is driven over or parked on has to be a hard surface. Dr. Wade stated that the proposed parking lot would have the same kind of surface as the existing parking lot. Ms. Matthews stated that Dr. Wade does have a hard surface on the existing parking lot.

Mr. Leighty stated that there are no interested parties wishing to speak on this application. Mr. Leighty stated that it is problematic for him that no one showed up and he questioned staff if there was notice given for the 300-foot radius. In response, Dr. Wade stated that several people called the office with questions and after he explained his proposal they were enthusiastic and didn't believe that they needed to come to the meeting. Dr. Wade stated that his office has been in the subject area for eight years.

In response to Mr. Midget, Dr. Wade stated that there is a one-way drive out to Easton Court and it is an exit.

Mr. Edwards informed Legal that the applicant is his doctor and questioned if he would be allowed to vote. Mr. Edmiston stated that if Mr. Edwards feels uncomfortable due to the relationship that it might prejudice him to not be able to vote in an objective way, then he might feel better to decline to vote. Mr. Edmiston further stated that he doesn't see anything legally that would demonstrate a legal conflict and Mr. Edwards's conflict is more of personality and morality.

Mr. Carnes asked staff why the recommendation for denial of the PK zoning. In response, Ms. Matthews stated that it is in the middle of a neighborhood. Mr. Midget stated that he can understand staff's recommendation. Traditionally this is something that the Planning Commission normally would be against since it is in the middle of the neighborhood. Mr. Midget stated that he is not surprised that the neighborhood didn't attend today's meeting. This parking lot will be an improvement compared to what was there. Mr. Midget indicated that he could support this application on the basis that it is an improvement.

Mr. Midget moved to approve the PK zoning for the subject property. Mr. Carnes seconded the motion.

Ms. Cantrell stated that she would oppose the application because she believes staff made a good point that it is against the Comprehensive Plan



and it is in the middle of the neighborhood. Not everybody is on top of things as some neighborhoods and they may not have been as aware of it as others.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-2-0** (Carnes, Edwards, Leighty, Midget, Shivel, Walker "aye"; Cantrell, Liotta "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the PK zoning for Z-7180.

**Legal Description for Z-7180:**

Lot 5 and 6, Block 2, Easton Heights 2<sup>nd</sup> Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof

\* \* \* \* \*

20. **PUD-648-D/Z-6001-SP-4 – Andrew Shank/Olympia Land Development, LLC**, Location: Northeast corner of Highway 75 and West 71<sup>st</sup> Street, Requesting Major Amendment to Corridor Plan to add Outdoor Advertising as a permitted use within Development Areas B and D of PUD-648-B, **CO/PUD-648-B to CO/PUD-648-D**, (CD-2)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21563 dated June 28, 2007, established zoning for the subject property; and Ordinance number 22229 dated April 28, 2010, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-21297 August 23, 2011:** The Board of Adjustment accepted a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), on property located at north of the northeast of Highway 75 and West 71st Street.

**BOA-21296 August 23, 2011:** The Board of Adjustment accepted a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway; and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way, on property located at north of the northeast of Highway 75 and West 71st Street.

**BOA-21295 August 23, 2011:** The Board of Adjustment approved a Variance of the spacing requirement between outdoor advertising signs from 1,200 ft. (Section 1221.F.2); and accepted a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway; and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way, on property located at north of the northeast of Highway 75 and West 71st Street.

**Z-6001-SP-3/PUD-648-B April 2010:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 7.16± acre tract of land to amend permitted uses to add Use Unit 13, add two development areas and reallocate floor area, on property located on the northeast corner of West 71<sup>st</sup> Street South and Highway 75 South.

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

**Z-6001-SP-1/PUD-648 May 2001:** A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71<sup>st</sup> Street and U. S. High 75 South.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 55-± acres in size and is located on the northeast corner of Highway 75 and West 71<sup>st</sup> Street. The property appears to be partially developed and is zoned CO/PUD-648-B.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned CS/OL/PUD-783 and will be developed as a QuikTrip Store and possible hotel in the future (the property is currently being platted); by unplatted land zoned AG and RS-3, and by Cates Addition, zoned RS-3; on the north by unplatted land, zoned AG; on the south by West 71<sup>st</sup> Street and then Tulsa Hills, zoned CO; and on the west by US Highway 75, zoned AG.

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

**TULSA COMPREHENSIVE PLAN TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan designates West 71<sup>st</sup> Street as a commuter corridor. Commuter corridors are described by the Plan as



streets which are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

#### **TULSA CITY-COUNTY MAJOR STREET AND HIGHWAY PLAN**

The Tulsa City-County Major Street and Highway Plan identify West 71<sup>st</sup> Street as a primary arterial and South Olympia Avenue as a commercial collector.

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West 71 <sup>st</sup> Street	Primary Arterial	150'	8
South Olympia Avenue	Commercial Collector	60'	2

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

The Tulsa Comprehensive Plan identifies the subject area as an Area of Growth and a Town Center.

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 exist 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.

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

The applicant is adding the outdoor advertising use to an established PUD that was approved in 2001. The Tulsa Comprehensive Plan does not address the outdoor advertising use. Therefore staff contends the addition of the outdoor advertising use to the PUD **may be found** in accord with the Plan

**STAFF RECOMMENDATION:**

The purpose of this major amendment is to add Outdoor Advertising as a permitted use within Development Areas B and D of PUD-648-B, also known as Olympia Medical Park (see Exhibit A). Located adjacent to the east side of Highway 75 on the north side of West 71<sup>st</sup> Street, the three proposed sign locations are within a freeway sign corridor. The 1,200 foot spacing verification of these signs was verified by the City of Tulsa Board of Adjustment (BOA) in case numbers BOA-21295, 21296, and 21297 on August 23, 2011. The three spacing verifications were confirmed for non-digital signs as well as digital signs. The applicant has not made it clear which signs and/or sign faces would potentially be digitized.

The over-all size of the signs will be based on the lot frontage each sign location has along US Highway 75 and the number of other ground signs on the lot. No outdoor advertising sign may exceed 672 square feet of display surface area.

Established in 2001, PUD-648/Olympia Medical Park is a 55-acre (+/-) tract located at the northeast corner of US Highway 75 and West 71<sup>st</sup> Street South. The property is quite rugged with a significant west to east slope. The property is partially developed with a hotel and medical uses. The PUD also allows a variety of other commercial and office uses.

Staff finds the additional use to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-D 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-648-D subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. All development standards and requirements of PUD-648 and as amended shall remain effective with the addition of the following:

**PERMITTED USES:**

Add Outdoor Advertising as permitted within Use Unit 21 to the permitted uses of Development Area B (Lot 2 of PUD-648-B) and Development Area D (Lot 1 and Lot 2-C of PUD-648-B) per the attached Exhibit A.

Subject to the terms and conditions of Chapter 11 and section 1221 of the Tulsa Zoning Code as applicable to Outdoor Advertising signs.

3. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. 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:** Signs, especially those with footings, cannot be placed in easements nor can they be placed in Overland Drainageways without entering a license agreement with the City of Tulsa.

**Wastewater:** No comments.

**Transportation:** No comments

**INCOG Transportation:**

- **MSHP:** 71<sup>st</sup> Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.
- **LRTP:** US-75, between 61<sup>st</sup> St. S. and 71<sup>st</sup> St. S., planned 6 lanes. 71<sup>st</sup> St. S., between Peoria Ave. and US-75, planned 6 lanes.
- **TMP:** No comment

- **Transit:** Currently, Tulsa Transit operates existing routes on 71<sup>st</sup> St. S. all the way to Union Ave. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should continue to be included in future development.

**Traffic:** No comments.

**Airport Authority:** If signs exceed 787' (above sea level) contact Oklahoma Aeronautics Commission. Also contact Ken White of the Airport Authority (838-5107) to see if an FAA study will be required and for further information regarding the Aeronautics Commission requirements.

**GIS:** No comments

**Street Addressing:** House Number(s) listed on property: 6502, 6890, and 7090 S. OLYMPIA AV. W. Addressing Atlas Page # ('s): 00889, 01012

**Inspection Services:** No comments.

#### **TMAPC COMMENTS:**

Mr. Leighty asked if digital is allowed for all three signs. In response, Mr. Sansone stated that the applicant verified the spacing for digital and standard billboard and he doesn't know if they intend to make all three digital.

**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, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the major amendment to corridor plan for PUD-648-D/Z-6001-SP-4 per staff recommendation.

#### **Legal Description for PUD-648-D/Z-6001-SP-4:**

A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE E/2 OF THE SW/4 OF SAID SECTION 2; THENCE NORTH 00°05'16" WEST ALONG THE EASTERLY LINE THEREOF FOR 80.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 89°42'48" WEST PARALLEL WITH AND 80.00 FEET NORTH OF AS MEASURED

PERPENDICULAR TO THE SOUTHERLY LINE OF SAID E/2 OF THE SW/4 FOR 430.00 FEET; THENCE SOUTH 00°05'16" EAST FOR 5.00 FEET; THENCE NORTH 89°42'48" WEST PARALLEL WITH AND 75.00 FEET NORTH OF AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE OF THE E/2 OF THE SW/4 FOR 387.71 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS; THENCE NORTH 11°56'23" WEST FOR 730.84 FEET; THENCE NORTH 00°03'50" WEST FOR 550.00 FEET; THENCE NORTH 11°14'46" EAST FOR 254.95 FEET; THENCE NORTH 00°03'50" WEST FOR 200.00 FEET; THENCE NORTH 23°15'45" WEST FOR 190.39 FEET; THENCE NORTH 00°03'50" WEST FOR 674.81 FEET TO A POINT ON THE NORTHERLY LINE OF THE E/2 OF THE SW/4; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 89°42'43" EAST ALONG SAID NORTHERLY LINE FOR 992.05 FEET TO NORTHEAST CORNER OF THE E/2 OF THE SW/4; THENCE SOUTH 00°05'16" EAST ALONG THE EASTERLY LINE OF THE E/2 OF THE SW/4 FOR 2,558.92 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

\* \* \* \* \*

**TMAPC COMMENTS:**

Mr. Leighty stated that he had ex parte communications with a representative of Cascia Hall.

21. **Z-7181 – Roy D. Johnsen/Utica Place, LLC**, Location: East of southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue, Requesting **RM-2 to OMH**, (CD-9) (Related to Item 22.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20609 dated June 19, 2003, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-19839 June 2004:** The Board of Adjustment approved a Variance to increase permitted floor area within a PUD from 90,327 square feet to 103,327 square feet, located: 1724 East 22<sup>nd</sup> Place.

**BOA-19371 June 2002:** The Board of Adjustment approved a special exception to permit the change in use from a medical office and retail use to a restaurant use without providing additional and required parking for the restaurant. The decision of the Board was appealed to District Court but the appeal was subsequently dismissed. The subject property for this

request is located north of the subject tract within the Utica Square Shopping Center.

**BOA-18251 November 1998:** The Board of Adjustment approved a variance of the allowable height from 35' to 62' for new school buildings to be constructed on the Cascia Hall School campus, and abutting the subject property to the south. The new construction was located on Lewis Avenue and nearer East 23<sup>rd</sup> and East 24<sup>th</sup> Streets.

**Z-6506 December 1995:** All concurred in approval of the rezoning of several residential lots located between East 26<sup>th</sup> Street and East 31<sup>st</sup> Street, South Utica Avenue to South Lewis Avenue, from RS-1 and RS-2 to RE zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 39,000± square feet in size and is located east of southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue. The property appears to be -- and is zoned.

**SURROUNDING AREA:** The subject tract is abutted on the east by offices and residential uses zoned RM-1/PUD-680; on the north by Utica Square, zoned CH; on the south by a private school campus, zoned RS-2; and on the west by offices and residential uses, zoned RM-1/PUD-680.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate either street, relying instead on Peoria and Lewis Avenues to bear the traffic on north/south routes and East 21<sup>st</sup> Street for east/west routes.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South Utica Avenue	N/A	N/A	From 4 to 2
East 22 <sup>nd</sup> Place	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this area as a Regional Center and an Area of Growth. The requested rezoning to OMH on a small portion of the PUD is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding land uses and trends, staff can support the requested rezoning and recommends **APPROVAL** of OMH zoning for Z-7181.



**RELATED ITEM:**

22. **PUD-680-A – Roy D. Johnsen/Utica Place, LLC**, Location: Southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue, Requesting a Major Amendment to amend the development standards for Development Area A to allow two mid-rise office buildings with a maximum height of four stories and under 51,000 square feet of permitted floor area, increase the permitted number of condominium dwelling units in Development Area B from ten units to twelve units, **RM-1/RM-2/PUD-680 to OMH/PUD-680-A**, (CD-9) (Related to Item 21.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20609 dated June 19, 2003 established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-19839 June 2004:** The Board of Adjustment approved a Variance to increase permitted floor area within a PUD from 90,327 square feet to 103,327 square feet, located: 1724 East 22<sup>nd</sup> Place.

**BOA-19371 June 2002:** The Board of Adjustment approved a special exception to permit the change in use from a medical office and retail use to a restaurant use without providing additional and required parking for the restaurant. The decision of the Board was appealed to District Court but the appeal was subsequently dismissed. The subject property for this request is located north of the subject tract within the Utica Square Shopping Center.

**BOA-18251 November 1998:** The Board of Adjustment approved a variance of the allowable height from 35' to 62' for new school buildings to be constructed on the Cascia Hall School campus, and abutting the subject property to the south. The new construction was located on Lewis Avenue and nearer East 23<sup>rd</sup> and East 24<sup>th</sup> Streets.

**Z-6506 December 1995:** All concurred in approval of the rezoning of several residential lots located between East 26<sup>th</sup> Street and East 31<sup>st</sup> Street, South Utica Avenue to South Lewis Avenue, from RS-1 and RS-2 to RE zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.35± acres in size and is located at the southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue. The property appears to be -- and is zoned RM-1/RM-2/PUD-680.



**SURROUNDING AREA:** The subject tract is abutted on the east by unplatted property which is the location of Temple Beth Israel, zoned RS-2; on the north by 22<sup>nd</sup> place and then Utica Square, zoned OL/CS/CH; on the south by unplatted property/Cascia Hall School, zoned RS-2; and on the west by Utica Avenue and then Terwilleger Heights single-family neighborhood, zoned RS-2.

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

**TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan does not designate either Utica Avenue or 22<sup>nd</sup> Place.

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

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South Utica Avenue*	Residential Collector	70'	4
East 22 <sup>nd</sup> Place	Residential Collector	60'	2

*\* Utica Avenue is currently being rehabilitated.*

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Tulsa Comprehensive Plan identifies the subject tract as an "Area of Growth" with a land use classification of "Regional Center".

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 exist 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.

A **center** is the focal point of one or more neighborhoods. Centers provide convenient access to shops, restaurants and community-oriented services, such as day cares, libraries and meeting halls. There are shorter auto trips and more walking and bicycling in a center since residential and commercial areas are near each other. Centers often are the site for transit stations and bus route intersections. Those centers with pedestrian and bicycle-friendly streets entice residents to walk to major transit facilities. Attractive and safe pedestrian connections from the surrounding neighborhood to the center encourage people to walk or bike to destinations such as transit stations, bus stops or businesses.

The size of a center and its role in the city vary correspondingly with the scale and accessibility of the surrounding neighborhoods. Ideally, centers should support both daytime and evening activities to create an attractive and safe neighborhood destination.

The Centers building block includes three types of plan categories, Neighborhood Centers, Town Centers, and Regional Centers.

**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.

Staff contends the proposed PUD major amendment **is in accord** with the Plan.

**STAFF RECOMMENDATION FOR ZONING:**

Based on the Comprehensive Plan and surrounding land uses and trends, staff can support the requested rezoning and recommends **APPROVAL** of OMH zoning for Z-7181.

**PUD STAFF RECOMMENDATION:**

PUD-680 is a 4.3 acre (+/-) tract located at the south east corner of 22<sup>nd</sup> Place and South Utica Avenue. The property is approximately one-half developed, slopes gradually from west to east. The natural slope of the property would be used to give the building along Utica Avenue a lower profile appearance and be architecturally designed with pitched roofs and exterior finishes blending with the surrounding residential and commercial developments.

PUD-680/Utica Place currently includes a 10-story office and residential condominium tower, a two-story office building, and associated parking

garage. The remaining portion of the PUD was targeted for detached single-family dwellings/court yard villas which have not been developed. The property owner cites market conditions as precluding the development of the single-family dwelling units in Development Area A of the PUD (see attached Exhibit A-1).

Major Amendment PUD-680-A proposes to amend the development standards for Development Area A, of PUD-680 to allow two, mid-rise office buildings with a maximum building height of 4-stories and just fewer than 51,000 square feet of permitted floor area. The amendment also seeks to increase the permitted number of condominium dwelling units in Development Area B from 10 units to 12 units. In order to achieve the increase in permitted office floor area, rezone application Z-7181 has been filed concurrently seeking to rezone 39,000 square feet (SF) of the property from RM-2 to OMH. Staff is in support of the rezone request which is necessary for approval of the PUD major amendment. Should the rezoning and the major amendment be approved there would be a total of 154,278 SF of office space and 12 dwelling units permitted in the PUD.

The surrounding neighborhood is quite diverse with a wide assortment of commercial/retail, office and residential uses as outlined in the "Centers" classification on page LU 31 of the Tulsa Comprehensive Plan. This includes the adjacent Utica Square development generally regarded as one of Tulsa's premier destination attractions. With Utica Square to the north, the St. John Medical Center at 21<sup>st</sup> and Utica, the Cascia Hall campus to the south, Temple Israel immediately adjacent to the east and single family neighborhoods located on the west side of Utica Avenue the area is truly one of Tulsa's best corridors offering a truly dense and unique urban fabric.

Provided the aforementioned, in conjunction with the area's designation as a Regional Center by the Tulsa Comprehensive Plan, staff supports this proposal. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-680-A to be: (1) consistent with the Tulsa 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-680-A subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition

of approval, unless modified herein.

All conditions and development standards of PUD-680 as adopted shall remain effective unless modified herein.

2. Development Standards:

**DEVELOPMENT AREA A**

**Permitted Uses:**

As permitted within Use Unit 11 – Offices, Studios and Support Services.

**Maximum Office Floor Area:** 50,951 SF

**Maximum Building Height:** 4 stories – 45' on north building along Utica frontage and 35' on south building along Utica frontage

**Minimum Building Setbacks:**

From the centerline of 22 <sup>nd</sup> Place:	35 FT
From the centerline of Utica Ave.:	50 FT
From the south boundary of the PUD:	0 FT
From Reserve A:	0 FT
From interior lot boundaries:	0 FT

**Off-street Parking:**

Per the applicable use unit within the Tulsa Zoning Code.

**Landscaping:**

A minimum of 15% of Development Area A shall be left as landscape open space. Street side landscaping and surface parking areas shall be per Chapter 10 of the zoning code.

**DEVELOPMENT AREAS B AND C**

Within Development Area B, condominium dwelling units within the office tower shall be limited to 12 units. With the exception of this modification, all existing development standards and conditions of PUD-680 shall remain effective.

**SIDEWALKS:**

Sidewalks exist along 22<sup>nd</sup> Place. With respect to sidewalks along Utica Avenue, refer to attached District Court Case #CJ 2005-5878. Due to the rehabilitation of Utica Avenue beginning at 21<sup>st</sup> Street, in

2005 the applicant paid a fee-in-lieu sidewalks for the project limits along Utica Avenue. The City of Tulsa is therefore responsible for the construction of sidewalks along Utica Avenue within the project limits.

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

10. Where applicable, the City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.
14. 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.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC COMMENTS:**

**General:** No comments.

**Water:** A 6-inch water main line exists along the east side of Utica Ave. An eight-inch water main line exists along or within the Reserve A area. The 8-inch water main continues from the reserve area to the north along the property's eastern boundary line.

**Fire:** No objection to change of uses. However be aware of the following International Fire Code requirements: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire aerial apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and



a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. Other Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet' outside radius. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A fire hydrant shall be located within 100' of the fire department connection.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation:**

**MSHP:** S. Utica Avenue is designated residential collector.

**LRTP:** S. Utica Ave, between 21<sup>st</sup> St. S. and 31<sup>st</sup> St. S., existing 4 lanes. Per Subdivision regulations, maintain sidewalks where existing.

**TMP:** No comments.

**Transit:** Currently, Tulsa Transit operates existing routes at this location. 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:** House Number(s) listed on property:

2200,2201,2205,2209,2213,2217,2221,2224,2225,2229,2228 S UTICA PL  
E. Addressing Atlas Page # ('s): 00059

**Inspection Services:** No comments.

### **TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated that the proposed buildings will appear to be two stories from the Utica Street side. Mr. Sansone further stated that the applicant can address this much more clearly. Mr. Sansone indicated that the applicant is planning to work with the topography and make it blend better.

In response to Mr. Carnes, Mr. Sansone stated that the applicant paid a fee-in-lieu of sidewalks and the City of Tulsa will be installing the sidewalks with the street improvements that are currently underway.

Mr. Sansone stated that the applicant is not required to put anything along the property line abutting Cascia Hall with regard to a fence or wall.



**Applicant's Comments:**

**Roy D. Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103 representing John and Chris Bumgarner, cited the history of the PUD and development phases of the subject property.

Mr. Johnsen stated that from the Utica frontage, topography falls about 20 feet to the southern portion of Reserve Area A. The four-story building that could be seen will be on the very east end and the homes across Utica will have the appearance of two-story from grade. It is actually dropped and underneath there will be a parking garage; however, the neighbors across from Utica will have the appearance of a two-story building and it gets larger as it goes farther east. Mr. Johnsen explained that the front will actually look a little less than two stories and once one is in the back of the proposed offices (south of the building), it is a four-story building.

Mr. Johnsen stated that one starts with a conceptual site plan and in the text it states a four-story building. The highest building will not exceed four stories. Mr. Johnsen further stated that the heights will be 35 feet on the southern end and 45 feet on the northern end at the Utica frontage. Development standards will remain applicable and during detail site plan it will be reviewed with regard to those standards and the neighborhood and process is protected.

Mr. Johnsen stated that staff recommendation concludes that the proposal is in compliance with the Comprehensive Plan. Mr. Johnsen cited the uses and intensity surrounding the subject property.

Mr. Johnsen stated that there are some standards given for the height at grade, which the north one is 35.6 to the roof line and then seven feet for the roof (45') and the other one is 26.7 to the roof line plus seven feet and that would be (35'). Mr. Johnsen submitted the standards discussed and photographs (Exhibit A-3).

Mr. Johnsen indicated that there are neighborhood representatives present to speak today. Mr. Johnsen submitted two letters in support from Temple Israel and Cascia Hall (Exhibit A-2). Mr. Johnsen stated that he sent a letter with the site plan and the prospective with a contact number if anyone had questions to the neighborhood. Mr. Johnsen further stated that he held a meeting in the corridor of City Hall today and found that they have concerns with traffic.

Mr. Johnsen explained that there was a circle drive and then a road going to Utica, which initially an emergency access, but it is now being proposed as a private drive into the development. The reason for this is because it

is essential for this type of use. The neighborhood has some concerns and an impact study was performed by Mr. Eshelman. Mr. Eshelman's conclusions were that the various intersections would meet the normal standards and this drive to Utica could be done and it would have little or no impact.

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

**Jo Glenn**, 2425 South Troost, 74114, stated that she believes that this is a classic "bait and switch". In 2003 the proposal was for a condominium tower and villa homes all around it with no access to Utica Avenue except for emergency exit. A few years later they requested a change to build an office building and now they are not going to build the villas at all and want to build more office buildings. This will bring in a lot of people and cars into the subject area and are requesting an entrance onto Utica Avenue. Ms. Glenn stated that 24<sup>th</sup> Place and Utica Avenue is a dangerous section of the road and accidents happen in that subject area. The entrance for the office building will be right across the street from this intersection and it will add 200 to 300 cars onto the road coming out of that intersection. When the old apartments were in place the entrance onto Utica was to the south of 24<sup>th</sup> Place. Ms. Glenn claimed that it will look like three buildings instead of two and that they were promised villas as a buffer. Ms. Glenn described the office buildings as an encroachment and not an enhancement of Utica Square as a destination place for shopping.

**Jean Copley**, 2403 South Troost, 74114, stated that she has attended all of the meetings regarding the subject development. Ms. Copley submitted the original conceptual plan (Exhibit A-1) and expressed concerns with the traffic in the subject area. Ms. Copley described how much foot traffic there is in the subject area. She expressed concerns for safety and the traffic that this project will create with an access to Utica Avenue. Ms. Copley stated one can't make sense out of trying to build a residential development as originally proposed if one escalates the property taxes like that. Ms. Copley concluded that it is a safety issue and traffic issue.

**Philip McGowan**, 2404 South Utica, 74114, stated that he was informed that the proposed building will be three stories, one-story parking and two stories would be office. This would be on the northwest corner of the proposed development and the southwest corner would be a one-story parking and one-story office building. Mr. Johnsen indicated that because of the topography, the buildings wouldn't be much taller than a two-story home. If the Planning Commission is inclined to approve the change, he would like the height to be restricted so that it can't be taller than what has been represented and he wouldn't have any objections to the buildings. He does object to access onto Utica Avenue and was not a part of the original plans. Mr. McGowan cited the traffic and times that traffic is the heaviest and the pathway of the traffic.

**TMAPC COMMENTS:**

Mr. Leighty stated that a lot of the traffic goes onto Yorktown or Lewis and not on Utica Avenue. There is a certain amount of traffic on Utica, but the bigger part of the neighborhood that is east of the shopping center will be served by Yorktown or Lewis. Mr. McGowan stated that he hasn't done traffic counts, but based upon his experience, there is a considerable amount of traffic coming down Utica. Mr. Leighty stated that he agrees that there is a good amount of traffic, but he isn't sure it is residential traffic since it serves a shopping center and school. Mr. McGowan stated that Yorktown has a series of stop signs and it is no longer a through-street. Mr. Leighty asked Mr. McGowan if he understands correctly that he has no objection to the office use and the real objection is the access to Utica Avenue. Mr. McGowan answered affirmatively.

**INTERESTED PARTIES COMMENTS:**

**Tom Horne**, 1645 East 24<sup>th</sup> Place, 74114, stated that he is pleased with many aspects of the development, but he is opposed to the access onto Utica. The sight lines are bad due to the hill, and it is a scary corner to travel. Mr. Horne stated that he is not trying to stop the development and believes that it has nice qualities, but the Planning Commission needs to figure out some way that the access doesn't exacerbate the problems of coming out of 24<sup>th</sup> Place.

**Applicant's Rebuttal:**

Mr. Johnsen stated that Mr. Eshelman was the City Traffic Engineer for more than 25 years and is now in private practice performed a traffic study for the subject project. Utica is a four-lane street designed to carry traffic. Ten thousand trips per day is a low number for the subject location. Mr. Johnsen acknowledged that the four lanes do narrow at Troost. Mr. Johnsen stated that the term "street" is inaccurate because it is a private drive with a limited amount of traffic as opposed to a through-street or a major street. The access point is a private drive coming into the interior of the subject development.

**TMAPC COMMENTS:**

Ms. Cantrell asked if there is a way to make the major exit onto 22nd. Mr. Johnsen stated that there is severe grade change and it would be difficult to bring a road into there and there would be some surface parking lost if the access were changed to 22nd. The access would be too close to the intersection of 22<sup>nd</sup> and grade change would be necessary.

Mr. Leighty asked Mr. Johnsen if it would be a deal breaker if the access onto Utica Avenue is not approved. In response, Mr. Johnsen stated that his client believes it is a deal breaker.

**Jon Eshelman**, Traffic Engineering Consultants, 6931 South 66<sup>th</sup> East Avenue, Suite 100, 74133, stated that he did the original study on the original development and the proposed development. He believes that an access onto Utica is important because all of the traffic for the new phase would have to come through the covered area between the parking garage and the tower, which already has traffic movements and pedestrians.

Mr. Leighty stated that he wanted to make it clear that this is being called a private drive, but it is opened to the public for access to the offices. Mr. Eshelman stated that it is a driveway to the office building.

Mr. Eshelman stated that he evaluated critical intersections in the subject area (21<sup>st</sup> and Yorktown; 22<sup>nd</sup> Place and Yorktown; 22<sup>nd</sup> Place and Utica, and 24<sup>th</sup> Place and Utica. The only location that currently has a congestion problem is 22<sup>nd</sup> Place and Utica in the afternoon. This driveway will provide a little bit of relief to that intersection. The projected traffic at the driveway with 16 southbound left-turning vehicles in the morning (peak hour) and 16 in an hour from the north turning in and seven from the south making a right turn to come in. The largest volumes for the driveway would be coming from the north turning in and making a right turn to go back and 35% of the traffic for Phase III would come down Utica from 21<sup>st</sup> or from the Broken Arrow Expressway. The volumes Phase III will generate for the proposed driveway are not large volumes. Mr. Eshelman agreed that 24<sup>th</sup> Place does have site limitations and it is severely limited. Mr. Eshelman cited the topography for 24<sup>th</sup> Place and its difficulty for site.

Mr. Leighty asked Mr. Eshelman if it would be possible to have a signal for the private driveway. Mr. Eshelman stated that the driveway wouldn't generate enough traffic to warrant a traffic signal. Mr. Leighty stated that if a signal would alleviate the problems that has everyone so concerned it would be a good investment. Mr. Eshelman stated that he doesn't believe so. Mr. Eshelman stated that if a signal was put in at the subject property and passed up 22<sup>nd</sup> Place and Utica that would be a difficult situation because there is much more traffic at 22<sup>nd</sup> and Utica than would be at this driveway. The driveway will not line up with 24<sup>th</sup> Place; it is north of 24<sup>th</sup> Place and it is up the hill with excellent visibility both directions. There is no visibility problem from the proposed driveway; the visibility problem is a long time problem at 24<sup>th</sup> Place. At 24<sup>th</sup> Place there was fewer than one vehicle a minute that exited onto Utica during the busiest commuter peaks. Mr. Eshelman stated that the proposed driveway will not make the 24<sup>th</sup> Place intersection any more dangerous than it has been in the past. Mr. Leighty asked Mr. Eshelman if it is his professional opinion that the proposed driveway will not create any more of a safety hazard than

already exists. Mr. Eshelman stated that there would possibly be an additional 16 vehicles during the peak hours.

Mr. Liotta asked if the current rehabilitation project in the subject area will help the situation. Mr. Eshelman stated that he is not very familiar with the project and he knows that they are not fixing the hill. Sidewalks are being added on the east side, but probably not on the west side due to the slopes of the yards. If the slope were pulled back and there was a sidewalk it would improve the visibility for the north-bound vehicles.

Mr. Eshelman stated that he projects that there would be 16 vehicles making a left-turn into the project in the morning peak hours.

In response to Ms. Cantrell, Mr. Eshelman stated that there is no visibility problem turning left into the subject project; the visibility problem is residents exhibiting the neighborhood on 24<sup>th</sup> Place have a visibility problem looking to the north.

Mr. Johnsen stated that the relevance here is that it is a small number of left-turn movements into the proposed driveway. The right-turn out and in is of no consequence for people using 24<sup>th</sup> Place. The proposed driveway will take a load off of 22<sup>nd</sup> Place and the load that is taken off of 22<sup>nd</sup> Place will not impact the risk factor that already exists at 24<sup>th</sup> Place. The traffic issue that has been discussed is something the City of Tulsa should address and isn't really an issue that should be handled by the developer of the subject property. Mr. Johnsen concluded that this is an excellent project and he understands the neighbors' concerns. Mr. Johnsen requested the Planning Commission approve the proposed application.

**TMAPC COMMENTS:**

Mr. Leighty thanked the neighbors for coming today. He stated that the Planning Commission is very sensitive to the neighborhood's concerns. This is consistent with the Comprehensive Plan and we are looking for density within the City of Tulsa. The project is a good project and understandably residential would be preferable, but the market isn't there for it right now. Mr. Leighty indicated that he would be supporting this project.

Ms. Cantrell stated that she would support this application as well. Ms. Cantrell indicated that she appreciates the concerns of the neighborhood. She doesn't believe this office use will be harmful and most of the concerns are with the traffic. Given the actual design of the proposal and with the height restrictions, it won't look much different from what was originally proposed in terms of residential. She doesn't see much difference in having the exit on 22<sup>nd</sup> Place versus having it on 24<sup>th</sup> Place because it will be dangerous one way or the other. It would behoove the



City to look at some ways to address this issue. The traffic concern is an issue without this development.

Mr. Leighty stated that one of the residents stated that this is a "bait-n-switch" and he really doesn't think this proposal is. One goes in with good faith and has an idea of what the development will be and situations change. Mr. Leighty commented that he doesn't believe that there is anything sinister about this proposal; the market just simply isn't there for residential at this point.

Mr. Carnes stated that the Planning Commission has found over the years that office developments are really best neighbors one can have. They are not creating any noise after 5:00 p.m. and closed on weekends. The office complexes maintain their appearance and they will be good neighbors. Mr. Carnes concluded that he will be supporting this application.

Mr. Midget recognized Mr. Johnsen.

Mr. Johnsen stated that the standard provision in the staff recommendation is regarding the 30-foot right-of-way and 26-foot drive. The original approval in 2003 was for an 18-foot drive and 24-foot right-of-way and he would like to stay with those original standards. He requested that the Planning Commission strike Item 9 on page 22.10 of the staff recommendation and keep the original approved standard.

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the OMH zoning for Z-7181 per staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-680-A per staff recommendation, subject to striking development standard Item 9 from page 22.10 of the staff recommendation, subject to the building to the north being restricted to 45 feet in height and the building to the south being restricted to 35 feet in height, as amended by the Planning Commission. (Language underlined has been added and language with a strike-through has been deleted.)

**Legal Description for Z-7181:**

Commencing at the Southwest corner of One Utica Place, a subdivision in the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat

(#5922) thereof, thence east along the south boundary of One Utica Place a distance of 190 feet to the Point of Beginning, thence continuing east along the south boundary of One Utica Place a distance of 130 feet, thence north parallel to the west boundary of One Utica Place a distance of 300 feet to a point on the north boundary of One Utica Place, thence west along the north boundary of One Utica Place a distance of 130 feet, thence south parallel to the west boundary of One Utica Place a distance of 300 feet to the Point of Beginning containing 39,000 square feet more or less.

**Legal Description for PUD-680-A:**

All of One Utica Place, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

23. **CZ-411 – Bill Luster**, Location: Northeast corner of East 126<sup>th</sup> Street North and North 139<sup>th</sup> East Avenue, Requesting **AG to CS**, (County)

**STAFF RECOMMENDATION:**

**ZONING RESOLUTION:** Resolution number 98204 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

*No relevant zoning history.*

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.33± acres in size and is located at the northeast corner of East 126<sup>th</sup> Street North and North 139<sup>th</sup> East Avenue. The property appears to be vacant with a house on it, and is zoned AG.

**SURROUNDING AREA:** The subject tract is abutted on the east by large-lot single-family residential/agricultural/vacant land, zoned AG; on the north by large-lot residential land, zoned AG; on the south by vacant land, zoned AG; and on the west by the US 169 interchange, zoned AG.

**UTILITIES:** The subject tract rural water and aerobic septic system.

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate this property for a specific land use. The Major Street and Highway Plan designates East 126<sup>th</sup> Street North as a secondary arterial.



**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
East 126 <sup>th</sup> Street North	Secondary arterial	100'	2
North 139 <sup>th</sup> East Avenue	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This site is not covered by the North Tulsa County Plan. It is in the unincorporated portion of the county and therefore not included in the City of Tulsa's comprehensive plan.

**STAFF RECOMMENDATION:**

Although the site is adjacent to a highway interchange, it is surrounded by residential/agricultural/vacant properties, all of which are zoned AG. Based upon the established land uses the introduction of commercial zoning would be incompatible with the surrounding uses and would likely set a precedent for future development in this area. With no plan in place to guide land use changes the requested zoning is not appropriate. The requested zoning should be considered only based upon an adopted plan. Therefore the staff recommends **DENIAL** of CZ-411.

**Applicant's Comments:**

**J.R. Donelson**, 2820 South Memorial Drive, Office 100, Bixby, Oklahoma 74008, representing Bill Luster, stated that presently the subject property has an existing home on it that faces 126<sup>th</sup> Street North. The north portion of the subject property is vacant. The owner is requesting CS zoning, noting that the State of Oklahoma has purchased the right-of-way along 139<sup>th</sup> and 126<sup>th</sup> anticipating that this property would have commercial growth in the future. He doesn't believe that this is spot zoning since the State of Oklahoma is anticipating the growth. To the west of the subject site, approximately 1.5 miles, the Planning Commission has already approved commercial zoning and two miles to the west there is a tract of land that is zoned CS. Mr. Donelson believes that the two sites mentioned has set a precedent with regards to property along 126<sup>th</sup> Street being zoned CS.

Mr. Donelson explained that if the CS zoning is approved his client plans to file for a special exception to allow a storage unit with 128 units on the north portion of the subject property. The 128 units will generate approximately ten cars per day and maybe 20 cars on the weekend. The cars coming onto the site wouldn't go north of the site and wouldn't impact the 22 residential sites north of the subject property. The Tulsa County Engineer, Tom Rains, has received the preliminary plat for the subject site and a preliminary site plan and he has no problem with the plat or site plan with the CS zoning.

Mr. Donelson stated that to the south on 116<sup>th</sup> Street there is heavy commercial zoning. At some point in time he is sure that it was considered spot zoning. Mr. Donelson requested that the Planning Commission approve the CS zoning.

Ms. Matthews informed the Planning Commission that INCOG received a seven page protest, but it doesn't state specifically what they are protesting. There are approximately 45 signatures.

**Mr. Carnes out at 3:53 p.m.**

**INTERESTED PARTIES COMMENTS:**

**Karen & Darel Bowman**, 12825 North 139<sup>th</sup> East Avenue, Collinsville, 74021, Ms. Bowman stated that she purchased her home because it was AG and the subject area was AG. She didn't want to live in the City or near commercial zoning. There are no water hydrants within one mile from the subject area. Mr. Bowman stated that there is a creek bed that runs into their homes and floods their yards and the road. The water is coming from the subject property and if it is paved for the storage center than it will increase the flooding. Mr. and Mrs. Bowman requested that the subject property remain zoned AG.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Bowman if the applicant was requesting CS for only the corner portion would he still be opposed to the zoning change. In response, Mr. Bowman stated that he is opposed to anything that takes away his rights as AG.

**Mae Harris**, 12830 North 139<sup>th</sup> East Avenue, Collinsville, 74021, stated that the applicant's exit would be right at the entrance of the 169 Highway. She indicated that 139<sup>th</sup> East Avenue is a dead-end street and with the storage building, it would congest the road.

**Sharon Yeary**, 14000 East 126<sup>th</sup> Street North, Collinsville, 740121, requested that this request be denied. Ms. Yeary pointed out that there is a bus stop in the subject area and the entrance that the applicant is proposing is not acceptable. The existing road is narrow and she can't imagine hundreds of people coming in and out of the subject area on that road. If there are 128 units there would be approximately 200 people who have access to those units. Ms. Yeary expressed concerns about privacy for the surrounding residents. She explained that she has had two thefts in her home and she doesn't want 200 more people looking around at her possessions and breaking into her home. Ms. Yeary requested that this be denied for reasons of security, traffic and safety. Ms. Yeary stated that this is very poor planning for the owner and he should have checked the zoning before purchasing the subject property.

**Roy Floyd**, 12828 North 129<sup>th</sup> East Avenue, Collinsville, 74021, stated that the streets are narrow in the subject area and only allows for one car to pass through. He further stated that there are currently six mini-storage facilities within three miles of the subject area. Mr. Floyd commented that he doesn't believe the area can support an additional mini-storage facility.

**Lin Norbury**, 12640 North 139<sup>th</sup> East Avenue, 74021, stated that she lives directly west across the street from the subject property. She expressed concerns with people using the mini-storage units for meth labs and homeless people living in the storage units. She explained that she moved into the subject area because it was zoned AG and country living. Ms. Norbury expressed concerns with water runoff because the subject area slopes into her direction and floods her property. Ms. Norbury requested that the Planning Commission deny this application.

**Applicant's Rebuttal:**

Mr. Donelson stated that the County Engineer will address the detention issue and by putting this facility in with the onsite detention that he has already requested it will actually be an asset with regards to runoff. His client can't allow the runoff to go underneath the road any greater than what it is currently. The onsite detention facility would help and assist the situation. Washington Rural Water #4 is the provider of water in this area. A water analysis has to be provided to Washington Rural Water District and fire hydrants can only be constructed on six-inch water lines and if the water line is less than that then a blow-off hydrant has to be placed on that line. This is something that Gerry Gamil has already talked with his client about and he was at the TAC meeting regarding this issue.

Mr. Donelson stated that he is aware that 139<sup>th</sup> Street is narrow. The entrance to the mini-storage would be from 139<sup>th</sup> Street, north of the entrance of the entrance onto 169 Highway.

**TMAPC COMMENTS:**

Mr. Leighty stated that this is a no-brainer for him because there is too much opposition. Mr. Leighty informed Mr. Donelson that he is not up right now and to take a seat.

Mr. Midget stated that Mr. Donelson may want to pull the application and as a Planning Commissioner he would like to hear what he has to say.

Mr. Leighty asked Mr. Donelson what he wanted to say. Mr. Donelson stated that because of the opposition, petition and there are some questions that need to be asked he would like to have this item pulled and tabled at this time until some of the questions can be answered.

Ms. Cantrell explained to Mr. Donelson that if he pulled this application today he would have to file a new application in the future.

Mr. Leighty stated that the Planning Commission is willing to take a vote on it and have the discussion. Mr. Leighty further stated that he was only speaking for himself. He asked Mr. Donelson if he would like the Planning Commission to have a discussion and see where it goes or pull it. Mr. Donelson stated that he would like to listen to the discussion.

Ms. Cantrell stated that she would be supporting staff recommendation for denial. There is no commercial zoning surrounding the subject area and at this time she would have to recommend denial.

Mr. Shivel stated that there is no established land use plan at this time and so which comes first. Is there an opportunity to develop things to have an anchor where one starts developing an area and then establish a land use plan or does it wait for a land use plan with no one wanting to do any anything? Mr. Leighty stated that he has been serving for over two years and he can think of maybe one or two cases where we have had this many people come in and provide a protest letter with 45 signatures. Mr. Leighty further stated that this is convincing for him. Mr. Leighty directed his comments to TGOV audience that when they see a yellow sign go up in a yard and they don't like it, then come on down here and people will listen to you. Mr. Leighty commented that he is listening to these people attending today and they live in an AG zoned area. This is an inappropriate use and incompatible with the subject area. Mr. Leighty stated that we can entertain a motion, but he doesn't believe we need a motion because the applicant could withdraw the application. Mr. Leighty asked Mr. Donelson if he wishes to withdraw the application. Mr. Donelson stated that if it was tabled, it would give his client an opportunity to get some answers to questions and meet with the County Commissioner. Ms. Cantrell stated that this has been advertised for today and if he is not asking for a continuance, then basically this is either tabled or voted down and he will have to go through the same procedure again. Mr. Donaldson requested a continuance.

Mr. Leighty stated that he is not in favor of continuing it himself.

Mr. Edwards asked Mr. Donelson what he would accomplish by delaying this. Mr. Donelson stated that his client would like to talk with the County Commissioner to see if there is any thought with regards to commercial zoning on either of the intersections in the subject area. Mr. Leighty stated that there would have to be some serious political will to face off on this. There will still the same opposition and a County Commissioner is going to have to pay attention to it. Mr. Donelson stated that since there is

no Comprehensive Plan for the subject area in the County that would be the only reason to ask for a continuance.

Mr. Midget stated that he is willing to grant a continuance, but that doesn't mean it would sway his opinion one way or the other.

Ms. Cantrell stated that whatever the Planning Commission votes on this application, the applicant could still take it to the County Commissioners. Mr. Donelson stated that his client would like to have the opportunity to talk with the County Commissioner and he would like a continuance so that he can do this.

Mr. Midget stated that the Planning Commission only makes a recommendation.

Ms. Cantrell stated that she would prefer to proceed with this issue because if it was continued it will only give all of the interested parties a lot of concern that something will happen between now and then. They have taken time off out of their day and this has been a long meeting for them to have to come back down.

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins, Stirling "absent") to recommend **DENIAL** of the CS Zoning for CZ-411 per staff recommendation.

\* \* \* \* \*

24. **Z-7182 – Roy D. Johnsen/Victor Welding Supply**, Location: East of southeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street and east of the northeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street, Requesting **RM-2 to IL**, (CD-4)

**STAFF RECOMMENDATION:**

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

**RELEVANT ZONING HISTORY:**

**Z-7144 December 2009** : All concurred in approval of a request for rezoning a .33± acre tract of land (14,374 square feet) from RM-2 to IL- on property located on lots 9 and 10, Block 15, Lynch and Forsythe's Addition (1408 and 1412 East 2<sup>nd</sup> Street).

**Z-6820 June 2001:** All concurred in approval of a request for rezoning a 7000± square foot tract of land from RM-2 to IL for heating and air company, on property located on the southwest corner of East 1<sup>st</sup> Street and South Rockford Avenue.

**Z-6625 April 1998:** All concurred in approval of a request for rezoning a .5± acre tract of land from RM-2 to IL for warehouse use on property located west of southwest corner of East 2<sup>nd</sup> Street and South Quincy Avenue.

**Z-6290 August 1990:** All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located east of northeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street.

**Z-6117 September 1986:** All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on the southeast corner of East 2<sup>nd</sup> Street and South Quincy Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 21,000± square feet in size and is located east of the southeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street and east of the northeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street. The property appears to be vacant, with some industrial storage and zoned RM-2.

**SURROUNDING AREA:** The subject tract is abutted on the east by industrial uses, zoned IL; on the north by residential uses, zoned RM-2; on the south by commercial and mixed uses, zoned CH; and on the west by industrial and parking uses, zoned IL. Much of the surrounding area is very mixed in uses, ranging from residential to commercial and industrial, with associated parking and screening. The adjacent residential to the north was at one time part of a larger residential area that was bisected by the expressway's construction. At the time of the field checks, staff witnessed much industrial traffic in the area.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate East 2<sup>nd</sup> Street.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
East 2 <sup>nd</sup> Street	N/A	N/A	2



**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this as an Area of Employment and an Area of Growth. Areas of Employment are where it is expected that employment growth will continue and increase and Growth Areas are areas in which community resources for future development are to be channeled. According to the Comprehensive Plan, the requested IL zoning **is in accord** with the Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding uses and proximity to a major expressway, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-7182.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins, Stirling "absent") to recommend **APPROVAL** of the IL zoning for Z-7182 per staff recommendation.

**Legal Description for Z-7182:**

Lot 3, Block 16 and Lots 17 & 18, Block 13, Lynch & Forsythe Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

25. **Z-7178 – Tulsa North Community Development Corporation**, Location: North of northeast corner of East Latimer and North Main Street, Requesting **RS-4 to RM-3/CS**, (CD-1) (Related to Items 26 and 27.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 17817, dated 11/23/92, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD- 727, March 2, 2006:** All concurred in approval of a proposed Planned Unit Development on a 7.62± acre tract of land for on property located on the west side of Cincinnati Avenue for a gated single-family residential subdivision at existing RS-4 zoning standards.



**Z-6373, October 23, 1992:** All concurred in approval of a request for rezoning a 6,500 square foot tract of land from RM-2 to RS-4 on subject property as part of a larger blanket rezoning study.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 6,500± square feet in size and is located north of the northeast of East Latimer Street and North Main Street. The property is vacant and zoned RS-4.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant and cleared land, zoned RS-4; on the north by two structures, zoned RS-4; on the south by vacant and cleared land, zoned RS-4; and on the west by single-family residential structures, zoned RS-4.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate North Main Street on the map. The area is not served by a nearby bus route. The site is not located on an arterial, and the streets in this area are somewhat narrow.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Main Street	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan calls for this to remain an Existing Neighborhood and an Area of Stability. The requested RM-3 is the highest density multifamily residential use allowed by the zoning code. This is incompatible with the existing largely single-family residential neighborhood to the west and in Brady Heights. Moreover, the area was cleared of some problematic multifamily residential units and until recent years, has been a documented high-crime area. Development of a facility to RM-3 densities, as is requested, would be totally out of character with the surrounding single-family residential uses that are being repaired and maintained through efforts of the property owners. Therefore, this requested rezoning is **not** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, transportation access to the highest intensity multifamily residential zoning available and adjacent existing uses, staff cannot support the requested rezoning, finding it much more intense than its surroundings. Therefore, staff recommends **DENIAL** of RM-3 for Z-7178.

**Related Item:**

26. **Z-7179 – Tulsa Development Authority**, Location: North and east of East Latimer Street and North Main Street, Requesting **RS-4/CS to RM-3/CS**, (CD-1) (Related to Items 25 and 27.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 17817 dated November 23, 1992, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6373, October 23, 1992:** All concurred in approval of a request for rezoning a 6,500 square foot tract of land from RM-2 to RS-4 on subject property as part of a larger blanket rezoning study.

**PUD-727, March 2, 2006:** All concurred in approval of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property located fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject properties.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.32± acres in size and is located north and east of East Latimer Street and North Main Street. The property appears to be vacant and is zoned RS-3/ CS.

**SURROUNDING AREA:** The subject tract is abutted on the east by single-family residential and vacant land, zoned RS-4; on the north by single-family residential land, zoned RS-4; on the south by Emerson Elementary School, zoned RS-4; and on the west by single-family residential land, zoned RS-4.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate any of the surrounding streets. These streets are rather narrow and have no direct access at the present time to bus transit. Furthermore, at peak periods, traffic, vehicular and pedestrian, associated with the elementary school to the south becomes heavy.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Main Street	N/A	N/A	2
East Latimer Street	N/A	N/A	2
North Boston Avenue	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this property as an Area of Stability and an Existing Neighborhood. The subject site is surrounded by single-family residential uses and an elementary school. The requested zoning would be of higher intensity than the remainder of the neighborhood and would **not be in accord** with either the Plan or surrounding uses. The requested RM-3 is the highest multifamily residential zoning category allowed by the zoning code, and development to this density could have negative impacts on the neighborhoods around it, which have benefited greatly by the City's efforts to clean up the subject properties and rid the area of crime.

**STAFF RECOMMENDATION:**

For the above reasons, staff cannot support the requested rezoning. Staff further understands that this neighborhood, as with the adjacent Brady Heights, is trying to revitalize, but we do not believe that the requested rezoning and use would further that cause. Therefore, staff recommends **DENIAL** of RM-3 for Z-7179.

**Related Item:**

27. **PUD-786 – Tulsa Development Authority & Tulsa North Community Development Corporation**, Location: North and east of East Latimer and North Main Street, Requesting PUD is an infill development proposal to construct a mixed-use facility permitting 162 senior living apartment units with a maximum of 20,000 square feet of commercial floor area, two 4-story apartment buildings with commercial uses located on the ground floor of the southern building along Latimer Street and the building on the northern half of the subject site would be limited to the residential use, **RS-4/CS to RM-3/CS/PUD** (CD-1) (Related to Items 25 and 26.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11918 dated 09-01-70 established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6373, October 23, 1992:** All concurred in approval of a request for rezoning a 6,500 square foot tract of land from RM-2 to RS-4 on subject property as part of a larger blanket rezoning study.

**PUD-727, March 2, 2006:** All concurred in approval of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property located fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject properties.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.63± acres in size and is located north and east of East Latimer Street and North Main Street. The property is mostly vacant with a few residential uses and is zoned RS-4/CS.

**SURROUNDING AREA:** The subject tract is abutted on the east by Boston Avenue and then Kirkpatrick Heights and the Pouder and Pomeroy Second Addition Amended, both zoned RS-4 with single-family residential uses; on the north by the Pouder and Pomeroy Addition and the Pouder and Pomeroy Second Addition Amended, both zoned RS-4 with single-family residential uses; on the south by Latimer Street and then Burgess Hill Addition, zoned CS/RS-4 and the location of Emerson Elementary School; and on the west by Main Street and then Burgess Hill Addition and the Pouder and Pomeroy Addition, zoned RS-4 with single-family residential uses.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate any of the surrounding streets. These streets are rather narrow and have no direct access at the present time to bus transit. Furthermore, at peak periods both vehicular and pedestrian traffic associated with the elementary school to the south becomes heavy.

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

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Main Street	Residential Collector	60'	2
East Latimer Street	Residential Collector	60'	2
North Boston Avenue	Residential Collector	60'	2

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

The Comprehensive Plan designates this property as an Area of Stability and an Existing Neighborhood. The subject site is surrounded by single-family residential uses and an elementary school.

The **Areas of Stability** include 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 are 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 concepts of stability and growth are specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Within some **Areas of Stability**, there lie areas which should be designated as **Reinvestment Areas**. Reinvestment areas are those that have an overall character that is desirable to maintain, but would benefit from reinvestment through modest infill and redevelopment, or major projects in a small area such as an abandoned or underused commercial area. These areas would encourage investment, but in a more limited and targeted way than in Areas of Growth.

For the Commission's convenience, Part VI of the Plan – "Managing the Plan" which includes full descriptions of Areas of Stability and Areas of Growth are attached as Exhibit A.

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 amenities.

The requested zoning would be of higher intensity than the remainder of the neighborhood and would **not be in accord** with either the Plan or surrounding uses. The requested RM-3 is the highest multifamily residential zoning category allowed by the zoning code, and development to this density could have negative impacts on the neighborhoods around

it, which have benefited greatly by the City's efforts to clean up the subject properties and rid the area of crime.

**STAFF RECOMMENDATION FOR ZONING:**

For the above reasons, staff cannot support the requested rezoning. Staff further understands that this neighborhood, as with the adjacent Brady Heights, is trying to revitalize, but we do not believe that the requested rezoning and use would further that cause. Therefore, staff recommends **DENIAL** of RM-3 zoning for the subject property.

**PUD STAFF RECOMMENDATION:**

PUD-786 is an infill development proposal comprising a 2.63 acre tract located at the northeast corner of North Main Street and East Latimer Street. The site is mostly vacant with a few residential structures and has a very slight slope extending from south to north. The property is currently zoned RS-4 with two parcels located at the southwest corner zoned CS.

The purpose of PUD-786 is to allow the construction of a mixed-use facility permitting 162 senior living apartment units with a maximum of 20,000 square feet (SF) of commercial floor area. The proposal calls for two, four-story apartment buildings with commercial uses located on the ground floor of the southern building along Latimer Street (see Exhibits A-1, B and C). The building on the northern half of the site would be limited to the residential use.

Rezoning is required to allow the Use Unit 8 uses (senior living apartments) and to extend the CS zoning along Latimer Street to garner requisite commercial floor area. The applicant has submitted zoning requests to rezone the property from RS-4, with two tracts of CS zoning at the southwest corner of the site, to RM-3 zoning with CS zoning extending along the entirety of the Latimer Street frontage to a depth of 121 feet (see Exhibit D).

Staff has carefully reviewed this PUD development proposal and has certain reservations. First, in order for the PUD development proposal to be considered for approval, the requested rezone would first need to be supported and approved. Considering staff's recommendation for the associated rezoning applications, the PUD development proposal cannot be supported as well.

Secondly, the property designation as an Area of Stability with a land use classification of Existing Neighborhood makes the proposal in conflict with the Comprehensive Plan.

Therefore, staff recommends **DENIAL** of PUD-786.



**TMAPC COMMENTS:**

Ms. Cantrell stated that she recalls that when the new Comprehensive Plan was approved, it was discussed several times that there would be mistakes regarding designations of land. She doesn't remember there being this much empty space in the subject area and she is curious if staff looked at this or was there any thought to whether this subject property should be in stability. In response, Mr. Sansone stated that the subject tract is entirely surrounded by residential single-family zoning and to put RM-3 zoning on the subject property would be basically spot zoning. It isn't a single lot at this time, but it will be massed as a single lot when it is developed. Staff, in keeping with our principles in looking at the zoning pattern of the subject area and what the Comprehensive Plan, states for the direction of the area. Ms. Cantrell clarified that at the time that the new Comprehensive Plan was passed did staff give much thought to whether this specific area should be an area of growth or stability. In response, Mr. Sansone stated that when the plan was passed, he didn't go through the City parcel-by-parcel and look. Since the passage of the Plan he has talked to several applicants about properties throughout the City and the Comprehensive Plan designation doesn't support what they want to do and it seems it would be logical. Most of the ones he has found involved highways and this is the first he has found that is in an interior of a neighborhood. The Plan isn't a perfect document and it is flexible as a policy guide that will have changes to it. The Plan is one of three things staff looks at when reviewing applications. If a project comes in and it doesn't meet all three things that are looked at, it makes it difficult for staff to go against that type of analysis. Applications are discussed with the applicant and they are informed how staff will review it and then it is left up to the Commission and the applicant to discuss it to weigh the merits of the proposal. There are mistakes and there will be mistakes with the Plan and the Plan can be amended. Based on the three tiers of policy that staff reviews with, this application doesn't meet any of them and therefore staff has recommended denial.

Mr. Leighty stated that he has had ex parte communications with Ricky Jones and consulted with a number of the residents. He indicated that he went through the neighborhood over the weekend and spent time visiting with the neighbors, but it will not affect his ability to vote in an impartial manner on this. Mr. Leighty stated that it was a fact-finding thing.

Mr. Leighty asked Mr. Sansone if he consulted with anybody in the Planning Department when this came in to see what their take was on it. Mr. Sansone stated that he spoke with both Steve Carr and Theron Warlick. Mr. Sansone further stated that he instructed the applicant to do the same. The applicant was also instructed to contact the City Council members within the subject area. Mr. Sansone stated that he lives in the north side and he knows the struggles of the north side so this was a



difficult application. Strictly on professional planning principles and the way staff evaluates projects, that is where the recommendation for denial is coming from.

Mr. Leighty requested the interested parties to wait until they are called on to speak. If they continue to speak out of turn he will have to request that they leave the room.

Mr. Walker stated that he is surprised that Tulsa Development Authority would submit an application that doesn't even make it out of staff. Mr. Sansone stated that changes to the map and changes to the Plan can be ordered, but it is our policy right now to review projects to the relation of the Comprehensive Plan and what it says about the subject property. We are not at the point yet that even a single change has been ordered. Staff is following policy and the zoning pattern around the neighborhood. Spot zoning has never been supported by the Planning Commission and in reality, this particular rezone of the subject property would be considered spot zoning because there is no RM zoning to be seen other than to the east.

Mr. Leighty reminded Mr. Midget that he will call on him.

Mr. Leighty stated that the neighborhood had a good amount of multifamily in the past. Mr. Alberty stated that the subject property was zoned RM-2 until 1992 and then at the request of the neighborhood, the TMAPC rezoned it to RS-4. Mr. Leighty stated that he is talking about before urban renewal came in there were several multifamily buildings there that were torn down. This neighborhood has been multifamily going back into the 30's and the 40's. Mr. Sansone stated that if one looks at the zoning map and what is developed now, it was rezoned at one time for a reason and he believes that at that time the direction they wanted was the neighborhood to go residential single-family.

Mr. Midget stated that he was going to mention what Mr. Leighty just stated, that there were multifamily areas prior to the rezoning. The out parcel in the subject area is an apartment. Mr. Midget stated that the subject application is for multifamily, but it is for a specific type for senior citizens. This project started before the new Comprehensive Plan was completed and it is unfortunately an oversight on everyone's part who worked on the project and finalize it before the new Plan.

Mr. Liotta out at 4:30 p.m.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, 74114, representing the North Tulsa Community Development Corporation, stated that this organization

is a non-profit organization established by a community developer who is committed to improving the quality of life in the North Tulsa area. This project started in 2007 and negotiations began with the City of Tulsa, Tulsa Development Authority. The City Planning Department prepared the site plans and the Mayor's Office has offered their support. The City Council passed resolutions for the project because of the HUD process. This project has been in the works for several years. The bus service was the key reason for this location.

Mr. Reynolds stated that the City of Tulsa Planning Department prepared site plans and looked at it. This culminated in four meetings with Dr. Pat Williams, President of TNCDC and has petitions of support for this signed by hundreds of people. When the contracts were signed in the spring is when they found out that they had a problem with the zoning. The parties thought they could go to the Board of Adjustment and request a special exception. Mr. Reynolds stated that in June a letter was sent to all of the neighbors within 300 feet of the subject property and a meeting was held. There were about 30 people attending the meeting and the proposal was received well.

Mr. Reynolds stated that his client filed for what the contracts called for and the contract is conditioned to building at least 160 senior dwelling units and 20,000 square feet of commercial area that will support both the apartments and the neighborhood. Mr. Reynolds explained that he filed the PUD because of the issue with the Comprehensive Plan and the surrounding area. This isn't spot zoning and the PUD will greatly soften the issues up. There is a lot of undeveloped land in the subject area and it is all within an area of growth and it will all robustly develop. The PUD has been tailored to assure the context of the neighborhood is respected and facilitate and overcoming some of the restraints of an infill project.

Mr. Reynolds cited the landscaping and fencing that will be installed with this project. The conceptual building elevation looking out to Boston Avenue shows storefronts on the ground level and with brick and masonry constructed. The façade is broken so that it is not tedious and it will have a residential feel to it. The project will only be developed after the TMAPC approves the construction plans for the buildings, the detail site plan, landscaping plans, lighting plan and signage plan. There is a great amount of control while these are still conceptual at this time. The detail standards in the PUD are restrictive. The project has been narrowly tailored and it makes up for a lack of services in the subject area.

Mr. Leighty stated that the 20,000 SF of commercial is a very aggressive number. Mr. Leighty stated that there is commercial shown on Boston and there is no through-traffic because it dead-ends at Latimer. There is no commercial on Main Street. Mr. Reynolds stated that the commercial is

ancillary to the apartments for the senior people who live there. Mr. Reynolds stated that the commercial will actually be on all three frontages, some on Main, Latimer and Boston. It has been limited geographically in the south portion only. Mr. Reynolds stated that he sees the commercial being for a grocery store, health club, pharmacy and restaurants. The neighbors stated that they would like to see this type of growth. There will be signage below the first floor and signage painted on the windows with paddle signs hanging over the sidewalks. He expects all of the customers to be residentially-oriented from the subject area. Mr. Reynolds stated that part of the subject property is already zoned CS and he would request 20,000 SF of floor area for CS. The PUD addresses the land uses and that is key to the project. Mr. Leighty asked Mr. Reynolds what would protect the neighborhood that this wouldn't go to regular apartments or low-income housing. Mr. Reynolds stated that the development standards in the PUD would prevent it. The detail site plan review would also protect the neighborhood because it can only be built to the development standards. It is important to remember that there is buffering to enhance the residential character surrounding properties and also addressing the lack of services in the subject area. Mr. Reynolds requested that the Planning Commission approve the rezoning and the PUD.

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

**Patricia Johnson**, 2170 North Waco, 74127, stated that she lives in Gilcrease Hills and she believes that this is a great proposal. This would keep the senior citizens in the neighborhood where they presently live. The commercial stores will help a great deal.

**James Johnson**, 2170 North Waco, 74127, stated that he is in support of this project.

**Maureen Thompson**, 1102 North Main Street, 74106, stated that she has lived in the subject area for 35 years and she doesn't object to the project, but she doesn't know enough about it. She has attended the meetings and she is against not knowing the plans. Ms. Thompson stated that the one thing she doesn't want is a low-income housing unit like Sandy Park. This is a good neighborhood and this proposal can be a real plus, but we need to keep our eyes and ears open. She doesn't want something that will bring in problems.

Mr. Leighty informed an interested party to please keep quiet or he will have to call security to have him removed for speaking out of turn.

**William Wilkins**, 615 North Cheyenne Avenue, 74106, stated that he lives in Brady Heights and has remodeled several homes in Brady Heights. This is a growing neighborhood and it is not a stable neighborhood by any

stretch of the imagination. People are taking an active interest in the neighborhood and want to see it revitalized. Mr. Wilkins indicated that he is in full support of the proposal. The Comprehensive Plan is a policy document only and can be amended. If this proposal is successful then it will encourage more development and it will provide security and services that are not available right now.

**B.J. Bullock**, 1301 North Cheyenne Avenue, 74106, stated that the subject area is not Brady Heights area; it is within the Cheyenne Park Association, of which she is the President. She explained that she was not been informed about the meetings and everyone who met with the developers are not a part of her community. Ms. Bullock stated that she found out about today's meeting through the TMAPC because she is registered with them. When she saw the change that proposed it was like a slap in the face and she felt that she was excluded. Ms. Bullock cited the boundaries of the Cheyenne Park Association. Ms. Bullock stated that she doesn't have a problem with progress and she was a member on the Tulsa Development Authority Steering Committee. One of the issues was to make sure that the subject area remain single-family residential. This is a very aggressive project and in the past TDA projects haven't come to pass. Ms. Bullock requested that there not be any decisions made today so that Cheyenne Park could be included. This wasn't done respectfully to her community and she would like to see additional information and meetings with the community.

Mr. Walker asked Ms. Bullock if she is for or against the subject proposal. In response, Ms. Bullock stated that she is somewhere in between. She doesn't like the idea of it being rezoned.

**Betty Sya**, 7229 Blue Street, Fort Worth, Texas, stated that her house is on 1152 North Boston Avenue, 74106. She expressed concerns that the new building will be embarrassing to her home because it needs fixing up. She asked how the new development would affect her property. Mr. Leighty stated that she brings up a good point and he would like to see the City of Tulsa address the concerns and start a program that could provide some kind of loans to people to improve their property. Mr. Leighty informed Ms. Sya that she wouldn't be required to do anything to her home.

**Tracy Gibbs**, 1207 North Main, and 1504 North Boston Place, 74106, stated that she is 45 years old and grew up in North Tulsa. She owns two properties in the subject area. She indicated that she is in favor of the rezoning and the project. Ms. Gibbs stated that she wouldn't support anything that is low development.

**Gay Eaton**, 2517 East 47<sup>th</sup> Place North, 74106, indicated her support of this project. She stated that she is 55 years old and a homeowner. Ms. Eaton further stated that she is glad to see something coming into the subject area that isn't restricted to one's income.

**Applicant's Rebuttal:**

Mr. Reynolds stated that he wasn't aware of the Cheyenne Homeowners Association. Mr. Reynolds further stated that he did mail out notices to everyone within 300 feet of the subject project. It cuts deep into Cheyenne. Mr. Reynolds stated that he is 55 years old and he is also a man and can tell his weight. (Laughter)

**TMAPC COMMENTS:**

Ms. Cantrell stated that since staff recommended denial for the zoning and PUD, the Planning Commission doesn't have the standards for the PUD. She suggested that the PUD be continued for two weeks in order to study the development standards.

Mr. Leighty stated that he is going to try to support this application. This could be transforming the subject neighborhood. Mr. Leighty explained that he grew up in the subject neighborhood and attended Emerson Elementary School. Mr. Leighty cited the previous businesses and development of the subject property from the 1940's and 1950's. Mr. Leighty commented that he doesn't see a chance or movement for single-family development in the subject area. He believes that this proposal will not be in conformance with the Comprehensive Plan, but he believes that 20,000 SF of commercial use is a pretty aggressive number. He would like to continue this and he would like to see our Planning Department, Mr. Warlick, to visit with Mr. Reynolds and the developers to talk about these things. Mr. Leighty requested that the applicant try to get the outbuilding that is in the middle of the subject area. He suggested that the building be saved and he is sure that there would be great tax credits available to do something with the building and bring it up. He further suggested that the house next to the subject property should be obtained as well. Mr. Reynolds informed Mr. Leighty that his client has not been able to purchase the two properties he is speaking of. There will be a lot of challenges in the beginning for the commercial properties because there is a lot of crime in the subject area right now. Mr. Leighty indicated that he spent most of his Saturday morning in the subject area talking with the residents and he didn't find anyone opposed to the project. The buildings should be brought out closer to the street and configured so that the commercial would be more on Main Street with angle parking along Main Street.

Ms. Cantrell informed Mr. Leighty that Mr. Midget wished to speak.



Mr. Midget stated that he would wait until Mr. Leighty finished.

Mr. Leighty stated that when he gets through he will call on Mr. Midget. Mr. Midget agreed and stated that he has a question to ask of Mr. Reynolds. Mr. Leighty told Mr. Midget that he could just wait. (Laughter) Mr. Leighty stated that he is the Chairman and Mr. Midget is a Planning Commissioner. Mr. Midget stated that he is willing to wait. Mr. Reynolds suggested to give the Chairman his imperious moment. Mr. Leighty stated that it is a great idea and he does have some concerns to make sure that the subject property is maximized to be as closely in conformance with the new Comprehensive Plan as possible. Mr. Leighty further stated that he recommends that the applicant meet with the Planning Department and work out the details.

Mr. Leighty recognized Mr. Midget.

Mr. Midget asked Mr. Reynolds if the delay would affect his project. In response, Mr. Reynolds stated that it would not.

Ms. Cantrell stated that she would like to see it limited to senior retirement and limit the commercial uses. Mr. Reynolds agreed.

In response to Mr. Leighty, Mr. Reynolds stated that the Tulsa North Community Development Corporation (TNCDC) would contract out the work. The TNCDC will own the subject property and it is a non-profit organization. Mr. Reynolds stated that he is not sure what the security will be for the senior citizens at this time. The security issues have been discussed in general and they are aware of the security issues.

Mr. Midget suggested that the zoning cases be determined today and continue the PUD in order to have time to study the development standards.

Ms. Cantrell stated that she doesn't have a problem with that.

Mr. Edwards agreed to the zoning cases being determined today. He has lived in North Tulsa except for the time he went to college and he would like to see North Tulsa back like it was when he was growing up. There were stores, barber shops, etc. He is excited about the commercial part of this application more than he is of the residential. These types of facilities have proven to work and there are currently three facilities like these in North Tulsa for residents. This will not be a detriment and we should go ahead and make a determination on the zoning today.

Mr. Leighty stated that he would be okay with the zoning cases being determined today, but he would like to make clear that when the detail site



plan comes along he wants to make sure that our Planning Department has been involved and advising the layout and the concepts here to make sure that, as much as possible, get the buildings up closer to the streets and not setting back like they are right now and please try to obtain the center property (out parcel).

Mr. Alberty stated that the reason why staff was unable to address the PUD is because they could not support it. The issue is a policy statement that staff felt compelled to follow the newly-adopted policy, staff is not policy setters. If the Planning Commission is in support of the zoning, then you can take action on the zoning and continue the PUD for two weeks and staff will be back with a recommendation on the PUD.

Ms. Cantrell stated that she really appreciates what staff is saying and the reason she is supporting this is not just because she believes it is a good plan for North Tulsa, but she doesn't see it necessarily being inconsistent with the Comprehensive Plan. It was probably mistakenly put in an area of stability. The determining factor to designate the different areas was by the size of the lots and since these lots were not combined at that time it didn't trigger it as an area of growth. This is, at best, a transitional area and should have been designated as an area of growth to begin with.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Edwards, Leighty, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Liotta, Perkins, Stirling "absent") to recommend **APPROVAL** of the RM-3/CS zoning for Z-7178.

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Edwards, Leighty, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Liotta, Perkins, Stirling "absent") to recommend **APPROVAL** of the RM-3/CS zoning for Z-7179.

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Edwards, Leighty, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Liotta, Perkins, Stirling "absent") to **CONTINUE** PUD-786 to September 21, 2011.

**Legal Description for Z-7178:**

ALL OF LOTS NINE (9) AND TEN (10), BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. **AND** A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT TEN (10) IN SAID BLOCK 18; THENCE NORTH 88°55'06" EAST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 10, FOR A DISTANCE OF 7.00 FEET; THENCE SOUTH 01°04'54" EAST AND PERPENDICULAR TO SAID NORTH LINE, FOR A DISTANCE OF 100.00 FEET; THENCE SOUTH 88°55'06" WEST AND PARALLEL WITH THE SOUTH LINE OF LOT NINE (9) IN SAID BLOCK 18, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 01°01'54" WEST AND ALONG THE EAST LINE OF SAID LOTS 9 AND 10, FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 13,700.00 SQUARE FEET, OR 0.315 ACRES.

**Legal Description for Z-7179:**

ALL OF LOTS ONE (1) THROUGH EIGHT (8), IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF **AND** ALL OF LOTS FIVE (5) THROUGH SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF **AND** ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF **AND** A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION, AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION, AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID

WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 AND 8, IN SAID BLOCK 18, FOR A DISTANCE OF 95.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 18; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 198.40 FEET; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN BLOCK 8 OF POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8, FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID BLOCK 8, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 100,886.80 SQUARE FEET, OR 2.316 ACRES, MORE OR LESS.

\* \* \* \* \*

**OTHER BUSINESS:**

None.

\* \* \* \* \*

**Commissioners' Comments**

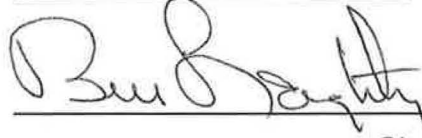
None.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 5:25 p.m.

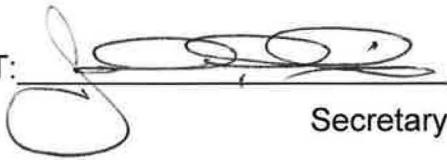
Date Approved:

10-5-11



Chairman

ATTEST:



Secretary