

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2613

Wednesday, November 2, 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		Alberty	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 27, 2011 at 11:45 a.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:**

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

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported on the TMAPC receipts for the month of September 2011 and indicated that they are slightly less than this time last year.

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1. **Minutes:**

**Approval of the minutes of October 19, 2011 Meeting No. 2612**

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget "absent") to **APPROVE** the minutes of the meeting of October 19, 2011, Meeting No. 2612.

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**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-20467**, (Lot-Split) (CD-2), Location: Northwest corner of West 51<sup>st</sup> Street South and South Tacoma Avenue (Related to Items 4 & 5)
3. **LS-20468**, (Lot-Split) (CD-2), Location: North of the northeast corner of West 51<sup>st</sup> Street South and South Union Avenue (Related to Items 4 & 5)
4. **LC-357**, (Lot-Combination) (CD-2), Location: West of the northwest corner of West 51<sup>st</sup> Street South and South Tacoma Avenue (Related to Items 2 & 3)
5. **LC-364**, (Lot-Combination) (CD-2), Location: Northeast of the northeast corner of West 51<sup>st</sup> Street South and South Union Avenue (Related to Items 2 & 3)
6. **LS-20470**, (Lot-Split) (CD-2), Location: Northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Item 10)
7. **LS-20471**, (Lot-Split) (CD-2), Location: North of the northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Item 10)
8. **LS-20472**, (Lot-Split) (CD-2), Location: East of the northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Items 10 & 11)
9. **LS-20473**, (Lot-Split) (CD-2), Location: Northeast of the northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Items 10 & 11)
10. **LC-358**, (Lot-Combination) (CD-2), Location: East of the northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Items 6, 7, 8 and 9)

11. **LC-359**, (Lot-Combination) (CD-2), Location: Northeast of the northeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue (Related to Items 8 & 9)
12. **LS-20474**, (Lot-Split) (CD-1), Location: West of the northwest corner of Gilcrease Museum Road and Charles Page Boulevard (Related to Items 13 & 14)
13. **LC-361**, (Lot-Combination) (CD-1), Location: West of the northwest corner of Gilcrease Museum Road and Charles Page Boulevard (Related to Item 12)
14. **LC-362**, (Lot-Combination) (CD-1), Location: West of the northwest corner of Gilcrease Museum Road and Charles Page Boulevard (Related to Item 12)
15. **LS-20469**, (Lot-Split) (County), Location: North of the northeast corner of East 126<sup>th</sup> Street North and North 83<sup>rd</sup> East Avenue
16. **LC-360**, (Lot-Combination) (CD-4), Location: Northwest corner of East 15<sup>th</sup> Street South and South St. Louis Avenue
17. **LS-20475**, (Lot-Split) (County), Location: North of northwest corner of East 151<sup>st</sup> Street South and South Harvard Avenue (Related to Item 18)
18. **LC-363**, (Lot-Combination) (County), Location: Northwest of northwest corner of East 151<sup>st</sup> Street South and South Harvard Avenue (Related to Item 17)
19. **PUD-648-B-1 – Sisemore Weisz & Assoc./Olympia Land Development, LLC**, Location: Northeast corner West 71<sup>st</sup> Street South and U.S. Highway 75, Requesting **Minor Amendment** to reflect a change in land area for two parcels located in Olympia Medical Park, CO, (CD-2)
20. **PUD-766 – Tim Tomlinson/Apache Natural Gas**, Location: Northeast of the northeast corner of East 50<sup>th</sup> Street South/South Vandalia Avenue and East 51<sup>st</sup> Street South, Requesting **Detail Site Plan** for a compressed natural gas automobile fueling facility, CS/CH, (CD-7)
21. **Z-7008-SP-3 – Cedar Creek Consulting/Jason Emmett/Carpet One**, Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting **Detail Site Plan** for an 11,538 square foot retail floor covering outlet, CO, (CD-2)
22. **Z-7140-SP-1 – Tulsa Engineering and Planning/Tim Terral/Hyde Park**, Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue, Requesting a **Detail Site Plan** for a gated entry to a residential subdivision, CO, (CD-2)

23. **Z-7140-SP-1 – Tulsa Engineering and Planning/Tim Terral/Hyde Park**, Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue, Requesting a **Detail Site Plan** for a 9,994 square foot clubhouse for a residential division, **CO**, (CD-2)

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

**PUBLIC HEARINGS:**

24. **PUD-788 – Roy D. Johnsen/Grace Apostolic Temple, Inc.**, Location: Southwest corner Peoria and 56<sup>th</sup> Street North, Requesting **PUD**, from **CS/RS-3** to **CS/RS-3/PUD**, (CD-1) (Continued to 11/16/11 for noticing)
25. **Z-7184 – Brent White/Arrow Engine Company**, Location: North of northeast corner North Gillette Avenue and East Haskell Place, Requesting from **RM-1** to **PK**, (CD-3)
26. **Z-7185 – KJRH Channel 2**, Location: East of the southeast corner of South Peoria Avenue and East 37th Street, Requesting from **RS-3** to **PK/PUD**, (CD-9) (Related to Item 27)
27. **PUD-789 – KJRH Channel 2**, Location: East of the southeast corner of South Peoria Avenue and East 37th Street, Requesting **PUD** to allow the KJRH television studios to expand their existing parking lot, from **RS-3** to **PK/PUD** (CD-9) (Related to Item 26)

**OTHER BUSINESS**

28. **Discussion and consideration of the proposed schedule for remaining area of the Pearl District**
29. **Z-6001-SP-3a – Sisemore Weisz & Associates/Olympia Land Development, LLC**, **Refund Request** for minor amendment, staff determined that the minor amendment is unnecessary.
30. **Commissioners' Comments**

**ADJOURN**

CD = Council District

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## **MINUTES:**

Mr. Liotta in at 1:35 p.m.

### **CONSENT AGENDA**

2. **LS-20467**, (Lot-Split) (CD-2), Location: Northwest corner of West 51<sup>st</sup> Street South and South Tacoma Avenue (Related to Items 4 & 5)
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17. **LS-20475**, (Lot-Split) (County), Location: North of northwest corner of East 151<sup>st</sup> Street South and South Harvard Avenue (Related to Item 18)
18. **LC-363**, (Lot-Combination) (County), Location: Northwest of northwest corner of East 151<sup>st</sup> Street South and South Harvard Avenue (Related to Item 17)
19. **PUD-648-B-1 – Sisemore Weisz & Assoc./Olympia Land Development, LLC**, Location: Northeast corner West 71<sup>st</sup> Street South and U.S. Highway 75, Requesting **Minor Amendment** to reflect a change in land area for two parcels located in Olympia Medical Park, CO, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reflect a change in land area for two parcels located in Olympia Medical Park/PUD-648-B as a result of previously approved lot-splits.

The lot splits were done to transfer 2,830 square feet (SF) of land area from Tract D of Development Area A (formerly Reserve D) and 19,500 SF of land area from Lot 1, Block 2 within PUD-648-B to the neighboring PUD-783 to accommodate the construction of a new QuikTrip Store (QT). There is no request to increase or decrease the permitted floor area in PUD-648-B. The property is zoned Corridor which permits a floor-to-area ratio (FAR) of 1.25.

Prior to the lot splits the land area, floor area, and FAR for the parcels were as follows:

<b>Lot/Tract/Area</b>	<b>Land Area</b>	<b>Permitted Floor Area</b>	<b>FAR</b>
Tract D of Development Area A (Formerly Reserve D)	62,245 SF	20,000 SF	.32
Lot 1, Block 2 (Development Area E)	90,657 SF	15,000	.16

As a result of the lot-splits the land area, floor area and FAR are as follows:

Lot/Tract/Area	Land Area	Permitted Floor Area	FAR
Tract D of Development Area A (Formerly Reserve D)	59,415 SF	20,000 SF	.33
Lot 1, Block 2 (Development Area E)	71,175 SF	15,000	.21

Since the FAR on each of the parcels is well within the 1.25 permitted by the Corridor District staff can support the request,

Therefore, staff recommends **APPROVAL** of minor amendment PUD-648-B-1.

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

20. **PUD-766 – Tim Tomlinson/Apache Natural Gas**, Location: Northeast of the northeast corner of East 50<sup>th</sup> Street South/South Vandalia Avenue and East 51<sup>st</sup> Street South, Requesting **Detail Site Plan** for a compressed natural gas automobile fueling facility, **CS/CH**, (CD-7)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a compressed natural gas automobile fueling facility. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use in PUD-766.

There are no buildings proposed as part of the development of this site. Development includes the construction of a typical gas station canopy and three compressed natural gas fuel dispensers.

The submitted site plan meets all applicable open space, structure height and setback limitations. Access to the site will be provided from 50<sup>th</sup> Street South/South Vandalia Avenue. With no building being constructed, there is no off-street parking required. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. All sight lighting including building mounted or under canopy mounted may not exceed 30' in height per PUD limitations for exterior lighting. Lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said residential district.

Staff recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – Yale 51.

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

21. **Z-7008-SP-3 – Cedar Creek Consulting/Jason Emmett/Carpet One**,  
Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting **Detail Site Plan** for an 11,538 square foot retail floor covering outlet, **CO**, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an 11,538 square foot (SF) retail floor covering outlet. The proposed use, Floor Coverings Store within Use Unit 14 – Shopping Goods and Services is a permitted use within this Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Access is being derived from Olympia Avenue via mutual access easement through Lot 2/Tract 2B. Landscaping is provided per the landscape chapter of the Zoning Code. All sight lighting, including building mounted within the east 120 feet of the lot will be limited to 15-feet in height and will be directed down and away from adjoining properties in a manner in which the light producing element and reflector are not visible to a person standing at ground level in any adjacent residential district or from any residentially used property. In instances where the light producing element and or reflector are visible from adjacent residential areas or residentially used areas the light fixture will be fully cut-off. Light fixtures not located within 120 feet of the east boundary will reach heights of 20 feet or less. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along Olympia Avenue as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 2/Tract 2D, Block 2 – Tulsa Hills.

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

22. **Z-7140-SP-1 – Tulsa Engineering and Planning/Tim Terral/Hyde Park**,  
Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue, Requesting a **Detail Site Plan** for a gated entry to a residential subdivision, **CO**, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a gated entry to a residential subdivision located south of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue.

The gates will be located approximately 150' from the centerline of Maybelle Avenue in the private street right-of-way (ROW) for West 84<sup>th</sup> Boulevard South. A 16' tall guardhouse will be constructed between the entry and exit gates.

The plan has received the approval of the City of Tulsa Traffic Engineer and City of Tulsa Fire Marshall.

Staff recommends **APPROVAL** of the detail site plan for the entry gates and guardhouse associated with Corridor District Plan Z-7140-SP-1.

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

23. **Z-7140-SP-1 – Tulsa Engineering and Planning/Tim Terral/Hyde Park,**  
Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue, Requesting a **Detail Site Plan** for a 9,994 square foot clubhouse for a residential subdivision, **CO**, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 9,994 square foot (SF) clubhouse for a residential subdivision. The proposed recreational uses including swimming pool, clubhouse, tennis courts, putting greens, and pedestrian trails are permissible uses within this reserve area of the Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code and includes non-required golf cart parking spaces. Landscaping is provided per the landscape chapter of the Zoning Code. Sidewalks will be provided along South Phoenix Place as required by CO District Development Standards and Subdivision Regulations. Pedestrian access is also provided by a pedestrian trail located on the west side of the site and will connect the clubhouse site to the rest of the development.

Staff recommends **APPROVAL** of the detail site plan for the clubhouse and recreational facilities associated with Corridor District Plan Z-7140-SP-1.

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

**STAFF RECOMMENDATION:**

Staff recommends pulling Item 16 from the consent agenda.

Item 16, LC-360 is pulled from the consent agenda.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 2 through 15 and 17 through 23 per staff recommendation.

\* \* \* \* \*

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

16. **LC-360**, (Lot-Combination) (CD-4), Location: Northwest corner of East 15<sup>th</sup> Street South and South St. Louis Avenue

Mr. Walker recused himself and left the room at 1:36 p.m.

**STAFF RECOMMENDATION:**

Mr. Bates stated that this application is before the Planning Commission today because there is a requirement of the Major Street and Highway Plan for an additional five feet of right-of-way to be dedicated. If five feet were to be given, it would encroach upon the existing building, which was built to the lot-line. This is before the Planning Commission for a waiver from the Major Street and Highway Plan requirement for the additional five feet. In the past the Planning Commission has granted the waiver for this type of issue. City Legal, Development Services and Mr. Alberty feel that the City will have adequate right to obtain the right-of-way in the future should the subject property be redeveloped.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the Planning Commission approved the waiver today, then moving forward would it become a policy that between Peoria and Utica anytime a setback requirement encroaches upon a structure, the requirement would be waived. Ms. Cantrell stated that she wants to be consistent moving forward. Mr. Bates stated only when if it encroaches upon a structure, but if the structure were to be removed and redeveloped as a new development, then at that time the City

would have the right to require the dedication of the right-of-way. Mr. Bates suggested Mr. Alberty speak on this issue. Mr. Alberty stated that in his recollection the Planning Commission has never required dedication when it is underneath an existing building, wherever it might be located in Tulsa. This is not amending the Major Street and Highway Plan. If the subject property were redeveloped in the future and the existing building removed and the property be replatted, then the City would get the right-of-way through a dedication. Today's application is different, in the fact that this application appeared before the Board of Adjustment for off-street parking on a lot other than where the building was located and this is to follow through on the BOA requirement that the lots be tied through a tie agreement or lot-combination and the applicant chose a lot-combination. If the applicant had chosen to do a tie-agreement he would not have this requirement. Even if the applicant didn't replat the building and decided to do a building in the existing area they would still have to have a setback according to the Major Street and Highway Plan and there is no opportunity for this to be perpetuated; it would only relate to the existing situation.

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

Mr. Carnes moved to approve the lot-combination.

Mr. Leighty stated that he would recognize Mr. Carnes to do that, but he forgot to have the public hearing rules read. Mr. Leighty further stated that he would like to have the rules read and then allow Mr. Carnes to make his motion.

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

Mr. Leighty stated that there are no interested parties and called on Mr. Carnes for his motion.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the lot-combination for LC-630 and waive the Major Street and Highway Plan requirement for the dedication of five feet of right-of-way.

\* \* \* \* \*

Mr. Walker in at 1:41 p.m.

**PUBLIC HEARING**

24. **PUD-788 – Roy D. Johnsen/Grace Apostolic Temple, Inc.**, Location: Southwest corner Peoria and 56<sup>th</sup> Street North, Requesting **PUD**, from **CS/RS-3** to **CS/RS-3/PUD**, (CD-1) (Continued to 11/16/11 for renoticing)

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

**TMAPC Action; 11 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** PUD-788 to November 16, 2011 for renoticing.

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25. **Z-7184 – Brent White/Arrow Engine Company**, Location: North of northeast corner North Gillette Avenue and East Haskell Place, Requesting from **RM-1** to **PK**, (CD-3)

**STAFF RECOMMENDATION:**

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

**RELEVANT ZONING HISTORY:**

**Z-5602 October 1981:** All concurred in approval of a request for rezoning a tract of land from RM-1 to PK on property located on the southeast corner of East Independence Street and North Gillette Avenue and abutting north of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 22,500± square feet in size and is located north of the northeast corner of North Gillette Avenue and East Haskell Place. The property appears to be vacant and is zoned RM-1.

**SURROUNDING AREA:** The subject tract is abutted on the east by commercial and mixed uses, zoned CH; on the north by a parking lot, zoned PK; farther to the north is an industrial use; on the south by residential uses, zoned RM-1; and on the west by residential uses, zoned RM-1.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate North Gillette Avenue.

**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 Gillette Avenue	N/A	N/A	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this as an Employment Area. The proposed parking lot is to provide space for parking for the adjacent industrial use. This is an older industrial area, in which many workers also lived. It is surrounded by a residential/mixed use area consequently. Employment areas were so designated to direct employers/potential employers and employees there and to provide the municipal or private infrastructure to allow those businesses to thrive. The surrounding residential area is designated as an Existing Neighborhood.

**STAFF RECOMMENDATION:**

The requested PK zoning is **not in accord** with the Comprehensive Plan. Therefore, staff recommends **DENIAL** of PK zoning for Z-7184.

Ms. Matthews stated that the applicant has requested a continuance to November 16, 2011. (Exhibit B-1, letter requesting a continuance.)

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

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7184 to November 16, 2011.

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- 26. **Z-7185 – KJRH Channel 2**, Location: East of the southeast corner of South Peoria Avenue and East 37th Street, Requesting from **RS-3** to **PK/PUD**, (CD-9) (Related to Item 27)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6749 February 2000:** All concurred in approval of a request for rezoning a .84± acre tract of land from RS-3/RM-1 to PK for parking purposes on

property located east of South Peoria Avenue fronting East 37<sup>th</sup> Place and East 38<sup>th</sup> Street and south of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 10,538± square feet in size and is located east of the southeast corner of South Peoria Avenue and East 37<sup>th</sup> Street. The property is used residentially and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by Lee Dell Addition zoned RS-3 being used residentially; on the north by 37<sup>th</sup> Street and then Lee Dell Addition, zoned CH/OL/RM-0 being used commercially; on the south by 37<sup>th</sup> Place and then Rochelle Addition zoned CH/PK being used commercially and as a parking lot; and on the west by Lee Dell Addition zoned CH/OL being used as the KJRH studios.

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

**TRANSPORTATION VISION OF THE COMPREHENSIVE PLAN:**

The Transportation Vision of the Tulsa Comprehensive Plan does not designate East 37<sup>th</sup> Street. Nearby Peoria Avenue is designated as a Main Street and is four lanes wide with parallel parking provided along the street.

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

The Tulsa City-County Major Street and Highway Plan, adopted as part of the Tulsa Comprehensive Plan Designates 37<sup>th</sup> Street South as a Residential Collector. Nearby Peoria Avenue is designated as an Urban Arterial Main Street.

<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 37 <sup>th</sup> Street	Residential Collector	50'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Tulsa Comprehensive Plan designates the subject property as an "Area of Growth" with a Land Use designation of "Existing Neighborhood".

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.

The **Existing Residential Neighborhood** land use 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.

With the subject property designation the proposed rezone and associated PUD are **not in accord** with the Plan.

**RELATIONSHIP TO THE BROOKSIDE INFILL NEIGHBORHOOD IMPLEMENTATION PLAN:**

The lot in question does not lie within the Northern Brookside Business Area and as a result the requested PK (parking) rezoning is **not in accord** with the Brookside Plan. The boundary between the business area and the residential neighborhood has been held consistently since the first Brookside small area plan was done many years ago. The recently adopted Comprehensive Plan designates the area as an existing neighborhood and an area of stability. See also attached Exhibit F.

**STAFF RECOMMENDATION FOR ZONING:**

Based on the Comprehensive Plan and the great amount of citizen participation that caused the various small area Brookside Area Plans to be developed, staff cannot support the requested rezoning. Staff does not deny that there is a need for more parking in the Brookside area, but does not feel that what is essentially an intrusion into a single-family neighborhood is good planning. Therefore, staff recommends **DENIAL** of PK zoning for Z-7185.

**RELATED ITEM:**

27. **PUD-789 – KJRH Channel 2**, Location: East of the southeast corner of South Peoria Avenue and East 37th Street, Requesting **PUD** to allow the KJRH television studios to expand their existing parking lot, from **RS-3 to PK/PUD (CD-9)** (Related to Item 26)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6749 February 2000:** All concurred in approval of a request for rezoning a .84± acre tract of land from RS-3/RM-1 to PK for parking purposes on

property located east of South Peoria Avenue fronting East 37<sup>th</sup> Place and East 38<sup>th</sup> Street and south of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 10,538± square feet in size and is located east of the southeast corner of South Peoria Avenue and East 37<sup>th</sup> Street. The property is used residentially and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by Lee Dell Addition zoned RS-3 being used residentially; on the north by 37<sup>th</sup> Street and then Lee Dell Addition, zoned CH/OL/RM-0 being used commercially; on the south by 37<sup>th</sup> Place and then Rochelle Addition zoned CH/PK being used commercially and as a parking lot; and on the west by Lee Dell Addition zoned CH/OL being used as the KJRH studios.

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

**TRANSPORTATION VISION OF THE COMPREHENSIVE PLAN:**

The Transportation Vision of the Tulsa Comprehensive Plan does not designate East 37<sup>th</sup> Street. Nearby Peoria Avenue is designated as a Main Street and is four lanes wide with parallel parking provided along the street.

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

The Tulsa City-County Major Street and Highway Plan, adopted as part of the Tulsa Comprehensive Plan Designates 37<sup>th</sup> Street South as a Residential Collector. Nearby Peoria Avenue is designated as an Urban Arterial Main Street.

<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 37 <sup>th</sup> Street	Residential Collector	50'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Tulsa Comprehensive Plan designates the subject property as an "Area of Growth" with a Land Use designation of "Existing Neighborhood".

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.

The **Existing Residential Neighborhood** land use 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.

With the subject property designation the proposed rezone and associated PUD are **not in accord** with the Plan.

**RELATIONSHIP TO THE BROOKSIDE INFILL NEIGHBORHOOD IMPLEMENTATION PLAN:**

The lot in question does not lie within the Northern Brookside Business Area and as a result the requested PK (parking) rezoning is **not in accord** with the Brookside Plan. The boundary between the business area and the residential neighborhood has been held consistently since the first Brookside small area plan was done many years ago. The recently adopted Comprehensive Plan designates the area as an existing neighborhood and an area of stability. See also attached Exhibit F.

**STAFF RECOMMENDATION FOR ZONING:**

Based on the Comprehensive Plan and the great amount of citizen participation that caused the various small area Brookside Area Plans to be developed, staff cannot support the requested rezoning. Staff does not deny that there is a need for more parking in the Brookside area, but does not feel that what is essentially an intrusion into a single-family neighborhood is good planning. Therefore, staff recommends **DENIAL** of PK zoning for Z-7185.

**STAFF RECOMMENDATION FOR PUD:**

The purpose of PUD-789 is to allow the KJRH television studios to expand their existing parking lot. According to the applicant, construction of the new parking lot will allow KJRH employees to park in a secured lot rather than using on-street parking. The parking is designed in such a fashion as to attempt to minimize negative impact by using both screening and landscaping as buffering techniques. The applicant also attempts to minimize impact by providing no direct access to East 37<sup>th</sup> Street from the subject tract.

The subject tract is a 10,538 square foot tract (.24 acre) located east of the southeast corner of South Peoria Avenue and 37<sup>th</sup> Street South. The tract is behind the KJRH studio building and adjacent to an existing KJRH parking lot. The subject tract is flat, has a residential dwelling unit and is zoned RS-3.

The applicant contends that additional parking in Brookside will help reduce non-resident traffic parking on neighborhood streets. Meetings have been held with the Brookside Business Association and the Brookside Neighborhood Association and the proposal has received a favorable response from both organizations. Letters of support are attached as Exhibits G and H.

Please refer to the attached Exhibit F. The exhibit is the Brookside Business/Residential Area boundary map which was adopted with the Brookside Infill Development Design Recommendations. The map serves as the official guide for the separation between business and residential areas in the Brookside community. This boundary has "held true" for many years as the demarcation between these different major areas of the Brookside neighborhood and assists in preserving a sense of stability for the residential areas.

Should there be a decision to support PK for the parcel of this PUD, it would seem most appropriate to amend this boundary to bring the decision in to conformance with the Brookside Plan. Modification of this boundary should be considered very carefully and take into consideration the potential impact on existing development patterns of the area and the precedence that may be set for possible future requests to change the boundary.

Staff has carefully reviewed this proposal and sees the merits of the subject application.

However, while generally agreeing there are significant parking related issues in the Brookside area; staff has reservations about this proposal. This is considering the Tulsa Comprehensive Plan designation of the property as an Existing Neighborhood and the tract being located outside the Brookside Business boundary of the Brookside Business/Residential Area boundary map. As a result and as a matter of policy, staff cannot support what otherwise appears to be a reasonable request. Staff is recommending **DENIAL** of PUD-789.

If the Planning Commission is inclined to approve the request staff recommends the following conditions of approval:

1. The applicant's Concept Development Plan and Text be made a condition of approval unless modified herein.
2. The Planning Commission or the Tulsa City Council provide staff with a new land use designation for the tract as defined by the Tulsa Comprehensive Plan and direct staff to modify the Land Use Map within the Tulsa Comprehensive Plan to reflect the change in land use classification.

3. Development Standards:

**Gross Land Area:** 12,412.5 SF / 0.28 Acres

**Net Land Area:** 10,537.5 SF / 0.24 Acres

**Permitted Uses:**

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking and similar uses and those uses customarily accessory to the permitted uses.

**Minimum Parking Setbacks:**

From North PUD Perimeter Boundary	5 Feet
From West PUD Perimeter Boundary	0 Feet
From East PUD Perimeter Boundary*	5 Feet
From South PUD Perimeter Boundary	5 Feet

\* *The minimum parking setback shall be 5 feet off the east property line except in the location where the drive lane is shown on the conceptual site plan per Exhibit B.*

**Minimum Landscaped Area:** 10% of Net Land Area

**Landscaping and Screening:**

A minimum four (4) foot decorative wrought iron/aluminum fence shall be installed on the north, ~~east~~ and south property lines. A six foot, masonry style wall of earth tones shall be constructed along the entirety of the east boundary. An evergreen hedge row shall be located along the north, east, and south portions of the property, on the property line and in front of the wrought iron/aluminum fence and six foot masonry style wall.

**Vehicular Access and Circulation:**

Vehicular Access to the proposed parking lot shall be limited through the existing KJRH parking lot to the west. No access shall be permitted directly on to East 37<sup>th</sup> Street from this lot (Lot 4).

**Lighting:**

Lighting used to illuminate an off-street parking area shall be so arranged as to shield and direct away from properties within any R District or residentially used property which do not contain uses for which the parking is being provided. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing at ground level in any R District or residentially used property. Verification of

such shall be by submittal of a photometric plan and manufacturer's cut-sheets for all light fixtures at the time of detail site plan review.

**Outside Storage:**

There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. A receptacle, if proposed, will not be located along the east lot line of the subject tract. Screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not 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.

4. No zoning clearance permit shall be issued until a detail site plan for the lot, which includes parking and landscaped areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for the 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 will be installed by a specific date in accordance with the approved landscape plan, 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.
6. No signs are permitted including flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement.
7. 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 or existing stormwater drainage structures and detention areas serving the development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot where applicable.
8. No building permit shall be issued until the platting 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.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**TAC COMMENTS:**

**General:** No comments.

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** Site is in Regulatory Floodplain; however, at grade parking lots are an appropriate Floodplain use. Engineer must submit detention determination to support request for fees-in-lieu of detention.

**Wastewater:** No comments.

**Transportation:** Both driveways must be 24-36' wide. Section III b. of General Provisions: include sidewalk section: "Sidewalks shall be provided according to subdivision regulations along 37<sup>th</sup> St."

**INCOG Transportation:**

- **MSHP:** No comments.
- **LRTP:** Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments
- **Transit:** No comments.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**Inspection Services:** No comments.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she thought the Planning Commission was careful about making sure that the areas of growth and areas of stability were consistent with the Brookside Plan. Ms. Cantrell further stated that she remembers asking during a hearing if this is consistent with the Brookside Plan and being told yes. Mr. Alberty stated that he believes that there are some issues here that are a little confusing. An area of growth doesn't restrict it to whether it is residential or commercial. The area of growth in this case would allow some additional higher density development in the residential area but it would be restricted to residential development. In this case what the applicant is asking for is non-residential development and it was not within the Brookside commercial area for expansion. This is the reason why staff has recommended denial, but it is not a strong denial but something more academic. Ms. Cantrell stated that the Planning Commission went over the growth and stability more thoroughly than

the land use. Ms. Cantrell further stated that she was surprised that this is an area of growth and wonders if staff has more insight. Mr. Alberty stated that staff did look at this closely. The area of growth would extend to Quincy, but that area of growth was also found appropriate for residential growth even though it shows currently being an existing neighborhood. On the fringe areas adjacent to commercial areas, transitional areas would include small apartments and townhouse development. If it would be considered no growth, then the existing single-family development would be considered not changed unless it was changed into a single-family residential category. The distinction is that outside the boundaries for non-residential growth. This was not expanded and the line was held constant to the Brookside Plan, even though there were suggestions of expanding the lines. Growth is anticipated, but it is residential growth according to the Comprehensive Plan and basically according to the Brookside Plan as well. Ms. Cantrell stated that as she recalls the very definition of an existing neighborhood was that there would not be substantial growth and it would be more about rehabilitation, reuse, etc. Mr. Alberty stated that the difference is that we wanted to accept the Brookside Infill Development Plan, which already had anticipated and had several recent applications where land has gone from RS-3 to townhouses and some light low density multifamily.

Mr. Carnes stated that parking is needed in the subject area and he doesn't think the Planning Commission didn't specifically eliminate parking. Mr. Alberty stated that he believes Mr. Carnes is talking about south one block of the subject property there is some PK parking extended into the area to the east. Mr. Carnes pointed out that PK has been extended to the north and across the street as well.

Mr. Leighty reminded the Planning Commission to please ask to be recognized before speaking.

Mr. Shivel pointed out another application that had come before the Planning Commission for PK zoning. In response, Mr. Alberty stated that most of the cases the Planning Commission is recalling came before the Planning Commission prior to 2010 when the new Comprehensive Plan was adopted.

**Applicant's Comments:**

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated that KJRH has been at their present location since 1954. KJRH is an active member in the Brookside Association. Mr. Jones explained that KJRH was approached by the owner of the subject tract to purchase the subject property. There is a parking problem along the Brookside area, especially along 37<sup>th</sup> Street. KJRH would like to add to their existing parking lot utilizing the subject property.

Mr. Jones explained that he tried to use the Brookside Design Criteria to design the parking lot plan. There is no access onto 37<sup>th</sup> Street being proposed for the new parking lot. The proposed parking lot will tie into the existing parking lot and

all egress/ingress will be through the existing access onto 37<sup>th</sup> Street. The landscaping proposed is heavily landscaping with a wrought-iron fence as suggested in the plan. After developing the plan he met with the representatives of the Brookside Neighborhood Association and found them in support of the application. Mr. Jones indicated that he met with the Brookside Business Association and made a presentation and they were supportive of this application. One week later he made a formal presentation before the Brookside Neighborhood Association. County Commissioner Keith was present and indicated that she is in favor of the subject proposal. At the neighborhood association meeting it was discussed about amending the Brookside Plan and he tried to match the new Comprehensive Plan because there are areas where parking extends farther and it is hard to determine where that line stops and where it starts. Both the Brookside Business Association and the Brookside Neighborhood Association submitted letters of support and are in the agenda packets. Mr. Jones indicated that he personally sent letters to all of the abutting property owners and met with the abutting property owners. Mr. Simon indicated that he is in favor of the subject proposal. Mr. Jones stated that he also met with Mr. Thiessen and came to an agreement to install solid screening along the east side, which abuts his property. Mr. Jones further stated that he is recommending a concrete fence that looks like stone and is earth-tone in color. Mr. Jones indicated that he is willing to work with Mr. Thiessen on the height, the length and the material of the fence. Mr. Jones stated that he talked with the Administrative Assistant of the property owner to the north who owns the duplex and hasn't heard back from him. Mr. Jones further stated that he contacted Ms. Neeb and met with her Friday evening and explained the proposal to her. He expressed his surprise that Ms. Neeb circulated a petition without seeing the proposal and the people that signed the petition hadn't seen the proposal. Mr. Jones stated that Ms. Neeb authorized him to say that her first position is that she would rather not have the parking lot, but if the Planning Commission is inclined to approve the request she would recommend a solid fence on the east property line.

Mr. Jones stated that the parking that occurs on the street at this time is primarily KJRH employees. They have approximately 50 spaces and they have approximately 115 employees. There are two times during the day where shifts overlap and then there is a real parking problem. KJRH is zoned CH and prior to 1984, there was no parking requirement in a CH-zoned district. This proposal will not solve the parking problem, but it will help the problem. The proposal will get the KJRH employees off of the street and into their own parking lot.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Jones if he was sure the Brookside Neighborhood Association President communicated this proposal to the association and may it not have been encumbered upon the developer or applicant to try and notify the residents that are abutting this before going forth with the development plan rather than say that they didn't have a copy and don't know why they were opposed to it. Mr. Jones stated that the President of the Neighborhood

Association was present at the meeting and saw the plan and wrote the letter in favor of it. Mr. Jones further stated that he thought by giving the Brookside Business Association approval that he had cleared the hurdle and then went one step further and contacted the abutting property owners, but he didn't think he needed to go a step further and send it out to more people around the subject property. Mr. Jones explained that he thought the Brookside Neighborhood Association meeting would have covered that. Mr. Jones further explained that once he saw the petition, he did meet with Ms. Neeb and explained to her the proposal. Mr. Jones concluded that he thought he had his bases covered.

Ms. Cantrell stated that it seems to her that the lot to the south would have been better since it is directly across the street from some parking. Ms. Cantrell asked if it was a consideration or did this property fell into KJRH's lap. In response, Mr. Jones stated that it is just what fell into their lap. KJRH by no means want to be perceived as some "big box" that goes out and gobbles up property. They would have continued business as usual and minding their own business, but this property owner came to them asking if they would like to purchase the property. If the property to the south is ever available, then KJRH would entertain purchasing the property. Ms. Cantrell stated that this application has two strikes, it is surrounded on three sides by residential and it is against the Comprehensive Plan.

Mr. Jones stated that the existing parking lot is fenced and is not available to the public. KJRH parks their vans and employee parking on the existing parking lot and it is fenced and gated for security reasons. KJRH has a problem with stalkers and that is another reason for wanting to secure their parking lot. They have recently hired a full-time security guard to watch the areas. The employees' vehicles have been vandalized in the past and the additional secured parking will help with that issue. KJRH does share parking with a church nearby when it isn't in use for church services. The cost of developing the parking lot will be astronomical for adding 24 parking spaces.

In response to Mr. Edwards, Mr. Jones stated that the proposed parking lot will be secured parking and not available for public access. Mr. Jones stated that KJRH currently has approximately 50 parking spaces and the extra 24 spaces will help.

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

**Guy Thiessen**, 1332 East 37<sup>th</sup> Street, 74105, stated that he has met with KJRH representatives and Mr. Jones and they explained the site plan. He has not seen the details for the solid wall/fence, but he has been assured that they are looking at a solid fence to be erected along the lot-line. Pending his review of that and satisfaction of the privacy issues that he has, along with an assurance that the wall will be maintained by KJRH in perpetuity and that is a part of the approval process, then he doesn't anticipate having an objection to the proposed plan.

Mr. Liotta stated that he does feel the need to disclose that he knows Mr. Thiessen and his wife and he has not discussed this issue with them and was surprised to see him today.

**Leroy Welborn**, 3647 South Peoria, 74105, stated that he is the owner of the property that Best Electric and Hardware is located. He indicated that he is very encouraged to see KJRH coming forward with a parking lot. There are problems on 37<sup>th</sup> Street with cars parking along the street and blocking traffic and deliveries. Mr. Welborn believes that the proposal will help alleviate the parking on 37<sup>th</sup> Street. Mr. Welborn stated that he would prefer to see some of the trees taken out of the proposal and put in twelve more parking spaces. He further stated that he would encourage the Planning Commission to look into straightening out the boundary lines.

**Applicant's Rebuttal:**

Mr. Jones stated that maybe he wasn't clear when he said he met with the Brookside Neighborhood Association and made a presentation. There were approximately 35 residents present at the meeting. The presentation wasn't before just the board.

Mr. Jones thanked Mr. Thiessen for coming today and speaking. His father lives on the property abutting the subject property. Mr. Jones indicated that he tried to talk with Mr. Thiessen's father and he never answered his door. Mr. Thiessen's father is one of the Protestants who signed the petition that Ms. Neeb circulated. It is ironic that one of the people signing the petition is now somewhat in favor of it.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Jones if KJRH would consider a continuance and try to meet with the people that signed the petition and get more support. Mr. Jones stated that it is an option, but he can't make everybody happy and he does have the Neighborhood Association's support and the abutting neighbor's support. Mr. Leighty stated that there are 27 signatures on the petition, which represents about 20 households and that is something that has to be considered.

Mr. Carnes stated that he would like to make a motion to vote on this item today.

Mr. Leighty stated that he would like to finish the discussion and then consider a motion.

Mr. Perkins stated that he has had ex parte communication with Mr. Jones for more information and the ability to understand the proposal fully and he doesn't believe it has swayed him in anyway. Mr. Jones explained that Mr. Thiessen's father didn't know that he had been talking with his son to work out the details.

Ms. Cantrell stated that she is struggling with this and it is not necessarily that she has a problem with it except that it is an isolated spot. The whole point of the Brookside Plan was not to stop change, but to make that change a little bit more predictable and give some reassurances to the neighbors. This proposal creates a lot of uncertainty. She is not necessarily opposed to it, but she would feel better if there was a plan and if it is time to change the Brookside borders then it should be done but not reactionary. Ms. Cantrell stated that she is inclined not to support it simply because she thinks it needs to follow a change in the plan. The neighbors need some assurance that this won't be a domino effect and that they will start losing more and more residential lots. She doesn't see this as a bad plan and she understands the need for expanding parking.

Mr. Leighty stated that during the new Comprehensive Plan meetings it was agreed that all of the small area plans would be revisited and with the new Planning Director and the update of the Zoning Code, this would certainly be something on the agenda. He doesn't know how fast something like that will happen.

Mr. Liotta stated that he is struggling with this as well. A lot of effort over time has been made to develop a plan for the Brookside area that makes sense and takes all concerns into the plan. A plan is a guide and is used to attempt to stay consistent, but it also gives the Planning Commission the ability to make exceptions where there is a demonstrated continuing need. He believes that this threshold is met in this application because the Planning Commission would never have approved a commercial business to ever go in with such limited parking. This plan is an attempt to address that problem and the applicant has gone to significant effort to get buy-in from the neighborhood and the affected parties. Mr. Liotta indicated that he is inclined to support the applicant's proposal.

Mr. Dix stated that he whole-heartedly agrees with Mr. Welborn's comments about straightening up the lines in the Brookside Plan. To allow these businesses to have no parking and having cars parked in front of the neighbors' houses is far worse than any encroachment in area of growth or stability in his opinion. He doesn't remember any discussion during the adoption of the new Comprehensive Plan that an area of growth had to be only single-family. He wouldn't have voted for that. If it can't change, then why is it an area of growth? Mr. Dix stated that he will support this application and if there is anybody else along that area who needs more parking, he would support them as well if they are able to obtain the property.

Mr. Walker stated that he feels that the approval and support of the Neighborhood Association and the Business Association are too compelling to deny this application. He was surprised that there was a petition against this. The parking is needed and he would like to make a motion to approve the PK zoning and the PUD.

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

Mr. Edwards stated that he is in support of Mr. Dix's and Mr. Walker's comments. The Comprehensive Plan is a guide and is not set in stone. When a situation arises and it makes sense to deviate from the plan a little bit and he believes that this is one of those situations. He fully understands staff's position, but looking on the practical standpoint it will take 20+ cars off of the street and taking 20 cars off of the street in the subject area is needed. Mr. Edwards stated that he will be supporting this application.

Mr. Midget stated that he will be supporting this application. The reason he is supporting it is because had the subject property had been available during the Brookside Plan study, it would have been designated as PK. The one thing everyone recognized during the study was the need for parking. It has been difficult to find a solution to the parking issue. The properties that will be most immediately affected by this proposal don't have a problem with this application. The petition does have a lot of signatures, but some of the addresses are one block away and not on the same block as the proposal.

Mr. Shivel stated that this is the second time the Planning Commission has had to make a decision based on the nuisances of the edge of some of the areas of growth versus areas of stability. Frankly, we can't wait to have a precise determination across the board in order to do that. He shares other persons' concerns about encroaching into neighborhoods too. Mr. Shivel stated that he lives four blocks east of 37<sup>th</sup> and he is very much aware of Mr. Welborn's comments about the parking at the corner and blocking deliveries. If people will park in a parking lot and off of the street, he would be in support of this.

Mr. Perkins stated that he will be in support of this application. He requested that the wall and maintenance be made a part of the PUD standards.

Mr. Sansone made a suggestion of wording to be placed within the PUD standards to address the solid wall fence and maintenance of the fence. Mr. Perkins stated that he would like to extend the solid wall to all residential sides.

Mr. Jones stated that he didn't talk with the property owner to the south about a solid wall and he did see the site plan showing the wrought iron fence. Mr. Jones further stated that he doesn't want to swap out something that the property owner to the south didn't see. Mr. Jones explained that he would do whatever the Planning Commission wants.

Mr. Leighty suggested that Mr. Carnes make a motion and then see if he will accept a friendly amendment.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-1-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Cantrell "nay"; none "abstaining"; none "absent") to recommend **APPROVAL** of the PK zoning for Z-7185.

Mr. Carnes stated that the Planning Commission, Dane Matthews, Mr. Beattie, and Nancy Apgar spent hours in Brookside to solve their problems. This is a perfect example of a landscaped lot, which will beautify the neighborhood and work toward what everyone has been working for. Mr. Carnes thanked the Planning Commission for letting him make the motion.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nay"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-789, subject to the east boundary having a six-foot solid masonry screening wall, earth tone in color as proposed by the applicant, and suggest that this area be reviewed for an update. (Language underlined has been added and language with a strike-through has been deleted.)

**Legal Description for Z-7185/PUD-789:**

Lot 4, Block 2, Lee Dell Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

**OTHER BUSINESS:**

**28. Discussion and consideration of the proposed schedule for remaining area of the Pearl District**

**STAFF RECOMMENDATION:**

1. Meetings with Pearl District business property owners – November 2011
2. Central Park Proposed Regulating Plan presentation – December 2011
3. TMAPC public hearing to consider Proposed Regulating Plan – January 2012
4. City Council consideration of recommended Regulating Plan – February 2012
5. TMAPC public hearing to consider Form-Based Code zoning for balance of the Pearl District – March 2012

6. City Council consideration of the recommended Form-Based Code zoning for the balance of the Pearl District – April 2012
7. Publication of the Form-Based Code zoning ordinance for the balance of the Pearl District – April 2012

Mr. Alberty stated that this is a tentative schedule. Mr. Alberty explained the intentions of the meeting and noticing. The noticing will be done in a number of ways: newspapers, INCOG and City websites, word-of-mouth, and notifying homeowners associations that are registered. All of this is prior to the advertised public hearing, which would be hopefully in January 2012. Staff will keep the Planning Commission apprised of specific dates and when it goes to the public hearing it will have notification to all of the property owners in the subject area and within 300 feet radius of the subject property, which are over one thousand property owners that will be notified. There will also be at least 50 signs posted in the subject area. Mr. Alberty stated that he wouldn't expect this to be concluded with one public hearing and he isn't sure how many will be needed.

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29. Z-6001-SP-3a – Sisemore Weisz & Associates/Olympia Land Development, LLC, Refund Request for minor amendment, staff determined that the minor amendment is unnecessary.

**STAFF RECOMMENDATION:**

Mr. Sansone stated that the applicant has requested a refund. It was determined that the minor amendment was unnecessary and staff is recommending a refund of \$400.00.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the refund for minor amendment Z-6001-SP-3a in the amount of \$400.00 per staff recommendation.

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**Commissioners' Comments**

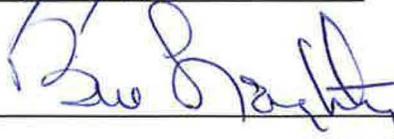
**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting No. 2613.

There being no further business, the Chair declared the meeting adjourned at 2:47 p.m.

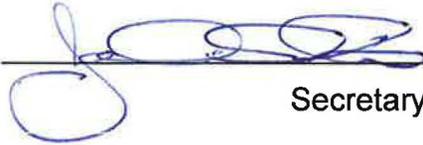
Date Approved:

11/16/11



Chairman

ATTEST:



Secretary