

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2614

Wednesday, November 16, 2011, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 10, 2011 at 11:21 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 City Council agenda and the Board of County Commissioners' agenda.

Minutes:

Approval of the minutes of November 2, 2011 Meeting No. 2613

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to **APPROVE** the minutes of the meeting of November 2, 2011, Meeting No. 2613.

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-20460**, (Lot-Split) (CD-6), Location: North of the northeast corner of East 7th Street South and South 127th East Avenue
3. **LS-20476**, (Lot-Split) (County), Location: North of the northwest corner of North Terrace Drive and West 8th Street South (Related to LC-365)
4. **LC-365**, (Lot-Combination) (County), Location: North of the northwest corner of North Terrace Drive and West 8th Street South (Related to LS-20476)
5. **LS-20477**, (Lot-Split) (CD-3), Location: East of the northeast corner of East 36th Street North and North Yale Avenue (Related to LC-366)
6. **LC-366**, (Lot-Combination) (CD-3), Location: East of the northeast corner of East 36th Street North and North Yale Avenue (Related to LS-20477)
7. **LC-367**, (Lot-Combination) (County), Location: Northwest corner of West 34th Street South and South 65th West Avenue
8. **LS-20478**, (Lot-Split) (County), Location: Northwest corner of East 132nd Street South and South Olive Avenue
9. **LS-20479**, (Lot-Split) (County), Location: North of the Northeast corner of East 171st Street South and South Lewis Avenue (Related to LC-368)
10. **LC-368**, (Lot-Combination) (County), Location: North of the Northeast corner of East 171st Street South and South Lewis Avenue (Related to LS-20479)
11. **9200 Delaware Plat – Amendment to Deed of Dedication**, Location: South of southwest corner of East 91st Street South and Delaware Avenue
12. **PUD-473-1 – Mark Thurston**, Location: Southwest corner of East 26th Place South and South Boston Avenue, Requesting **Minor Amendment** to modify a condition of the PUD which requires the roof of the home on the subject property to be constructed of wooden shakes, slates or 340 pound composition roofing, **RS-2**, (CD-4)

13. **PUD-413-B-4 – Brett Mann/McDonalds**, Location: Northeast corner of Gilcrease Museum Road and US Highway 412/Keystone Expressway, Requesting **Minor Amendment** to reduce the width of a landscape strip along Gilcrease Museum Road from 20 feet to 15 feet, **RS-3/RM-1/CS**, (CD-1) (Related to Item 14)
14. **PUD-413-B – Brett Mann/McDonalds**, Location: Northeast corner of Gilcrease Museum Road and US Highway 412/Keystone Expressway, Requesting **Detail Site Plan** for a 3,6000 square foot restaurant, **RS-3/RM-1/CS**, (CD-1) (Related to Item 13)
15. **PUD-747-A – Khoury Engineering/Tuscana on Yale Office Buildings**, Location: North of northeast corner of 91st Street South and South Yale Avenue, Requesting **Detail Site Plan** for four 7,000 square foot buildings totaling 28,000 square feet, **CS/OL/RS-3**, (CD-8) (Related to Item 16)
16. **PUD-747-A – Khoury Engineering/Tuscana on Yale Commercial Buildings**, Location: North of the northeast corner of 91st Street South and South Yale Avenue, Requesting **Detail Site Plan** for two commercial/retail buildings totaling 38,483 square feet, **CS/OL/RS-3**, (CD-8) (Related to Item 15)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

17. **All Commerce Business Park Replat – Preliminary Plat**, Location: 14824 East Admiral Place, east of southeast corner of South 145th East Avenue and East Admiral Place
18. **PUD-760-A – Lisa Riley**, Location: Northwest corner of East 15th Street South and South Troost Avenue, Requesting a **Major Amendment** to add bar only with Use Unit 12a – Adult Entertainment Establishments as a permitted use to PUD-760, from **RM-2/OL/CH/PUD-760** to **RM-2/OL/CH/PUD-760-A**, (CD-4) (Related to Items 19 & 20)
19. **PUD-760-1 – Lisa Riley**, Location: Northwest corner of East 15th Street South and South Troost Avenue, Requesting a **Minor Amendment** to reduce the required parking on the site from 84 spaces to 75, **RM-2/OL/CH/PUD**, (CD-4) (Related to Items 18 & 20)
20. **PUD 760 A – Plat Waiver**, Location: 1621 East 15th Street, Lot 1, Block 1, Cherry Street Ridge (CD 4) (Related to items 18 & 19)

21. **PUD-788 – Roy D. Johnsen/Grace Apostolic Temple, Inc.**, Location: Southwest corner Peoria and 56th Street North, Requesting **PUD** to stimulate the redevelopment of the subject property to permit retail uses in two development areas with a maximum permitted floor area of 17,375 square feet, from **CS/RS-3** to **CS/RS-3/PUD**, (CD-1) (Continued from 11/2/11)
22. **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) (Continued from 11/2/11)

OTHER BUSINESS

23. Commissioners' Comments

ADJOURN

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

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-20460**, (Lot-Split) (CD-6), Location: North of the northeast corner of East 7th Street South and South 127th East Avenue
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11. **9200 Delaware Plat – Amendment to Deed of Dedication**, Location: South of southwest corner of East 91st Street South and Delaware Avenue
12. **PUD-473-1 – Mark Thurston**, Location: Southwest corner of East 26th Place South and South Boston Avenue, Requesting **Minor Amendment** to modify a condition of the PUD which requires the roof of the home on the subject property to be constructed of wooden shakes, slates or 340 pound composition roofing, **RS-2**, (CD-4)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to modify a condition of the PUD which requires the roof of the home on the subject property to be constructed of wooden shakes, slats or 340 pound composition roofing. The requirement was a negotiated condition of the 1991 approval of the one lot, one block PUD between the then property owner and the adjacent neighbors. Please see the attached minutes of the 11/6/91 meeting of the TMAPC.

The amendment seeks to rectify as-built conditions on a new roof which was recently completed with 30-year shingles in order to sell the property. The property has very recently been conveyed to new owners. A 340 pound roof is a 50-year roof. A 30 year roof uses 265 – 300 pound shingles.

The quality of a roof on a home is very significant to the life of the structure. The life of a roof will depend on many factors including quality of installation and weather. Nothing in the PUD file provides staff with the reasoning for including 50 pound composition roofing as the required style of roof in this PUD. If the reasoning was purely aesthetic, staff contends composition roofing might not have been included.

The applicant has contacted the adjacent neighbors and there appears to be no opposition to this request. On two occasions staff has spoken with Ms. Margaret Prey, the neighbor directly east of the subject property. Mrs. Prey has indicated that neither she, nor the neighbors adjacent to the west are opposed to this application.

Staff recommends **APPROVAL** of minor amendment PUD-473-1.

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

13. **PUD-413-B-4 – Brett Mann/McDonalds**, Location: Northeast corner of Gilcrease Museum Road and US Highway 412/Keystone Expressway, Requesting **Minor Amendment** to reduce the width of a landscape strip along Gilcrease Museum Road from 20 feet to 15 feet, **RS-3/RM-1/CS**, (CD-1) (Related to Item 14)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the width of a landscape strip along Gilcrease Museum Road from 20 feet to 15 feet. The request is being made to reflect existing conditions at the site.

The PUD requires that a 20-foot landscape strip be maintained along Gilcrease Museum Road. The intent of the requirement was the landscape strip was to be bermed or landscaped in such a fashion that headlights from automobiles within the site would be shielded from what was residential property across the street. The property immediately across the street has since been rezoned to CS and developed as a QuikTrip Store.

With the five-foot reduction of this landscape strip the proposed landscape plan will exceed the requirements of the PUD and the landscape chapter of the zoning code. There is a 10% open space requirement on the lot and the plan provides for 24% of the site to be landscaped. Additionally, the landscape plan provides for 39% of the street yard to be landscaped. The requirement is 15%.

Staff views the five foot reduction as minor in nature and therefore recommends **APPROVAL** of minor amendment PUD-413-B-4.

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

14. **PUD-413-B – Brett Mann/McDonalds**, Location: Northeast corner of Gilcrease Museum Road and US Highway 412/Keystone Expressway, Requesting **Detail Site Plan** for a 3,6000 square foot restaurant, **RS-3/RM-1/CS**, (CD-1) (Related to Item 13)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 3,600 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-Ins, is a permitted use in PUD-413-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from

one point along Gilcrease Museum Road and one from West Cameron Street. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. A minor amendment request to reduce the PUD required 20' landscape strip along Gilcrease Museum Road also appears on the November 16, 2011 TMAPC agenda. This amendment request is to reflect existing conditions at the site.

All site lighting will be limited to 20 feet 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. A trash enclosure will be provided as required by the PUD. Sidewalks exist along Gilcrease Museum Road and will be provided along Cameron Street.

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

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

15. **PUD-747-A – Khoury Engineering/Tuscana on Yale Office Buildings**, Location: North of northeast corner of 91st Street South and South Yale Avenue, Requesting **Detail Site Plan** for four 7,000 square foot buildings totaling 28,000 square feet, **CS/OL/RS-3**, (CD-8) (Related to Item 16)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for four 7,000 square foot office buildings totaling 28,000 square feet (SF). The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use in PUD-747-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the lots will be provided by mutual access easement from Yale Avenue through Lot 2, Tuscana on Yale and an access easement from Red Crown Federal Credit Union to the south. Parking will be provided per the applicable Use Unit of the Zoning Code and a cross parking agreement between the four lots. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting including building-mounted will be limited to 12 feet 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 as applicable. A trash enclosure will be provided as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for Lots 3, 4, 5, and 6, Block 1 – Tuscana on Yale.

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

16. **PUD-747-A – Khoury Engineering/Tuscana on Yale Commercial Buildings,**
Location: North of the northeast corner of 91st Street South and South Yale Avenue, Requesting **Detail Site Plan** for two commercial/retail buildings totaling 38,483 square feet, **CS/OL/RS-3, (CD-8)** (Related to Item 15)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for two commercial/retail buildings totaling 38,483 square feet (SF). Building A will contain 25,234.32 SF with Building B containing 9,013.5 SF per the attached site plan. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use in PUD-747-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from two access points along Yale Avenue. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting including building-mounted will be limited to 12 to 18 feet 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. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along Yale Avenue as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 – Tuscana on Yale.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling, "absent") to **APPROVE** the consent agenda Items 2 through 16 per staff recommendation.

PUBLIC HEARING

17. **All Commerce Business Park Replat – Preliminary Plat**, Location: 14824 East Admiral Place, east of southeast corner of South 145th East Avenue and East Admiral Place

STAFF RECOMMENDATION:

This plat consists of eight lots, two blocks, on 10.59 acres.

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

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Access to lot 4 should be between 24 feet and 36 feet. The 165 foot access will not be allowed. Include section on sidewalks.
3. **Sewer:** The location of the sanitary sewer line crossing under Admiral Place, as shown on your conceptual plan, does not agree with the location shown on the sanitary sewer atlas.
4. **Water:** No comment.
5. **Storm Drainage:** The floodplain on lots 2 and 4 must be placed in an overland drainage easement. Since storm sewers can be placed in utility easements a drainage easement should not be used on top of a utility easement. If overland drainage is expected on a utility easement then an overland drainage easement should be placed over the utility easement. The two detention ponds must be placed in detention easements. If the ponds control the runoff for more than one lot the pond will need to be in a reserve and the standard language for detention in a reserve should be used. In that case the language in paragraph 1.9 should be changed. If each lot is required to provide its own detention then place a note on the face of plat as well as in the covenants. If a drainage easement is shown on the face of plat, then there must be standard covenant language for it in the covenants, stormwater detention in a reserve, standard language should be used.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Provide fire hydrant coverage per the International Fire Code for Lot 4 and the addition to Lot 2.

GIS: Correct scale. On the location map remove hatching and increase the

font size of the surrounding property labels for legibility. The plat needs to be tied from a section corner or quarter corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Show pin symbols at each corner of the traverse around the property being replatted. On the face of the plat the area to the right of the plat should be labeled as "unplatted". Submit a subdivision control data form in which the first point shall be the point of beginning with two other points on or near the plats' boundary.

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 Staff 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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

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

* * * * *

18. **PUD-760-A – Lisa Riley**, Location: Northwest corner of East 15th Street South and South Troost Avenue, Requesting a **Major Amendment** to add bar only with Use Unit 12a – Adult Entertainment Establishments as a permitted use to PUD-760, from **RM-2/OL/CH/PUD-760** to **RM-2/OL/CH/PUD-760-A**, (CD-4) (Related to Items 19 & 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21884 dated October 9, 2008, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-760 October 2008: All concurred in approval of a proposed Planned Unit Development on a 1.35± acre tract of land for retail and office uses, on property located Northwest corner of East 15th Street and South Troost Avenue and is the subject property.

BOA-21337 November 8, 2011: The Board of Adjustment *Accepted* a Verification of spacing requirement, to permit a bar use, on property located at 1621 East 15th Street South and is a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located on the northwest corner of East 15th Street South and South Troost Avenue. The property is fully developed, used commercially and is zoned RM-2/OL/CH/PUD-760.

SURROUNDING AREA: The subject tract is abutted on the east by Troost Avenue and then Lakeview Addition zoned CH, RM-2 and OH – the OH tracts are vacant, the RM-2 tracts are being used residentially and the CH tracts are used as offices and retail. To the north is Clark's Addition, zoned RM-2 and being used residentially. To the south is 15th Street/Cherry Street and then Orcutt Addition, zoned CH, OL and RS-3 with commercial uses fronting 15th Street. To the west is Clark's Addition, zoned RM-2, CS, and CH with commercial uses fronting 15th Street and residential uses adjacent to the north.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates 15th Street as a Main Street and does not designate Troost Avenue.

Main Streets serve the highest intensity retail and mixed land uses in Tulsa's areas such as downtown and in regional and neighborhood centers. Like multimodal streets, main streets are designed to promote walking, bicycling, and transit within an attractive landscaped corridor. Generally, main street activities are concentrated along a two- to eight-block area, but may extend farther, depending on the type of adjacent land uses and the area served.

Main Streets can be designed with two to four travel lanes, although typically have only two lanes. On street parking usually is provided to serve adjacent land uses. Unlike typical strip commercial developments, main streets offer the ability to park-once and walk amongst various destinations, thus reducing arterial trip making. The key is to create convenient parking that is on-street or provided in a shared public parking lot. In order to ensure the walk ability of a main street, careful consideration must be made to the design elements and amount of parking lots.

When emphasizing street frontage walkability and bike-pedestrian neighborhood connectivity, tree lawns and detached walks receive priority over travel lanes. Within the parking lane tree wells may be used to create a double row of street trees in combination with a tree lawn. To further create a pedestrian friendly atmosphere, main streets have wide sidewalks, street furniture, outdoor cafes, plazas, and other public spaces.

The recent addition of on-street parking along sections of 15th Street brings the corridor closer to realizing the Main Street vision.

The Tulsa City-County Major Street and Highway Plan designates 15th Street as an Urban Arterial Main Street and Troost Avenue as a Residential Collector.

	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 15 th Street	Urban Arterial Main Street	60'	2 with on-street parking
South Troost Avenue	Residential Collector	60'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates this property as an “Area of Growth” with a land use designation of “Main Street”.

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 agreements 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.

Main Streets are Tulsa’s classic linear centers. They are made up of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and include much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floors of buildings, street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off-street lots, or in shared lots or structures.

Comprehensive Plan maps are attached.

While this PUD was developed prior to the update and adoption of the Tulsa Comprehensive Plan, staff contends this existing PUD is a good example of the vision of the Plan, essentially meeting the definition of the “Main Street” land use designation. Therefore, staff finds this proposal to be **in accord** with the Plan.

STAFF RECOMMENDATION:

The purpose of major amendment PUD-760-A is to add Bar only within Use Unit 12a – Adult Entertainment Establishments as a permitted use to PUD-760. The

proposal is strictly a use amendment and involves no major alterations of the existing facilities.

PUD-760 is a fully developed site with a 9,150 square foot mixed use building sitting adjacent to the 15th Street right-of-way (ROW) with sidewalk and outdoor customer seating along the ROW and parking located in the rear of the lot. Located within the Cherry Street district the PUD was developed prior to the recent update of the Tulsa Comprehensive Plan. However, staff contends this small PUD is a good example of the vision of "Main Streets" as a land use designation and the path of future development in portions of the City.

While the Zoning Official of the City of Tulsa has designated this use as a bar within Use Unit 12a – Adult Entertainment Establishments, this proposal is not a typical "bar". The proposal is to convert the lease space into a public art studio where patrons can participate in various sized, pre-scheduled instructional art classes while at the same being served alcohol. It is the alcohol aspect of the proposal that led the Zoning Official to classify the use as a bar within Use Unit 12a.

On November 8, 2011 the City of Tulsa Board of Adjustment (BOA) in case number BOA-21337 accepted the spacing verification for a bar as being located a minimum of 300 feet from a public park, school or church and a minimum of 300 feet from another adult entertainment establishment. Public entry to the facility is also greater than 50 feet from any R District. The survey certificate and exhibit are attached.

Staff has reviewed the proposal, conducted site visits and contends that this is a good location for this venture. Cherry Street is known as one of Tulsa's premier destination entertainment centers and the one-of-a-kind art studio should be a good fit for the area.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds major amendment PUD-760-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-760-A subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. All terms and conditions of the approval of PUD-760 shall remain effective unless modified below.

3. Development Standards:

Add to the permitted uses of PUD-760-A, Bar only within Use Unit 12a – Adult Entertainment Establishments.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of tenant space, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
 - (b) One ground sign shall be permitted along the East 15th Street frontage not to exceed 15 feet in height and 65 square feet of display surface area; or one projecting sign shall be permitted not to exceed 65 square feet of display surface area. Projection signs may not exceed the height of the building parapet wall.
3. No zoning clearance permit or occupancy permit shall be issued until a detail site plan or 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 as applicable.
 4. 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.
 5. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
 6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
 7. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle 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.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** 15th Street, between Peoria Avenue and Lewis Avenue, urban arterial.
- **LRTP:** 15th Street, between Peoria Avenue and Lewis Avenue, existing 4 lanes.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates services at this location. According to MTTA future plans this location will continue to be served by a transit route.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

Inspection Services: No comments.

TMAPC COMMENTS:

Mr. Leighty asked if they are serving mixed drinks or simply wine and beer. Mr. Sansone stated that he understood that it would be wine and beer only, but the applicant is present and could answer that question. Mr. Dix asked if there is anything restricting mixed drinks if this is approved. Mr. Sansone stated that there is nothing to restrict mixed drinks.

Applicant's Comments:

Lisa Riley, 11310 South 107th East Avenue, Bixby, 74008, stated that there will be no use of mixed drinks because she doesn't want to deal with that. It will be an art studio and she would like to add a minor amendment to this. Ms. Riley explained that she would like to preserve the neighborhood like everyone else and keep the integrity classy. She would like to add a minor amendment that if her business should fail that whoever comes in behind her has to have approval to have a bar. The neighborhood association has been concerned with this and she would like to add this to her application.

INTERESTED PARTIES COMMENTS:

Chip Atkins, 1638 East 17th Place, 74120, stated that he has recently acquired property behind Stillwater Bank and at first he was concerned about this application, but he is no longer concerned. Mr. Atkins complained about a restaurant in the subject area that has a late-night bar and the loud music. He would like to make sure that the same type of activity doesn't happen at the art studio and for any future occupant.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Atkins if the problem with the existing restaurant with the bar or the music. Mr. Atkins stated that it is the music associated with the bar and the neighborhood can hear the music from the Full Moon as well. Mr. Atkins further stated that the proposal is a positive for the subject area. Ms. Cantrell stated that both places that Mr. Atkins is referring to are restaurants and she doesn't know if prohibiting a bar would alleviate the issues that he has brought up because a restaurant can sell alcohol. Mr. Atkins stated that they are, but after hours, when they close down their kitchen, they are considered a night club/bar. Ms. Cantrell stated that she would like to talk with Legal regarding this issue about future venues. This is a land use issue and it runs with the land. Mr. Atkins stated that he hopes this is something that the new Zoning Code could address.

Mr. Edmiston stated that he has the same understanding as Ms. Cantrell regarding the land use. He doesn't know how the requested restriction could be put on this application.

Mr. Atkins asked if a restrictive covenant could be done to help with this issue. This is something that has been done with other properties, such as 14th and Utica.

Mr. Dix stated that he believes that has to be between the tenant and the landlord. Mr. Edmiston stated that it would have to be a private restrictive covenant. Mr. Atkins stated that it was done with 14th and Utica for the square footage of the property. Mr. Edmiston stated that he could meet with Mr. Atkins later and discuss this, but he doesn't see this as a relevant option for what this applicant is proposing today.

Mr. Alberty stated that what took place at 14th and Utica was that the owner would electively restrict by covenant. Neither the Planning Commission nor the City Council could be a party to that private agreement. Based upon what the applicant presented is what won with both the Planning Commission and the City Council. Ms. Cantrell asked Mr. Alberty if the City was the beneficiary of the restrictive covenant at 14th and Utica. Mr. Alberty stated that the City may have been the beneficiary on that, but he never saw the covenant. Mr. Edmiston stated that there is a way to provide language that authorizes future enforcement by the City and some would call that being beneficiary of the covenants, but it is really simply a roll of enforcement. It can be conveyed to the City or given to the City by private agreement with the consent of the property owner.

Ms. Cantrell stated that she can appreciate their concerns, but she believes Ms. Riley seems like a good person to work with and perhaps she would volunteer to have a restrictive covenant to resolve this issue. Given the type of restaurants and things that exist on Cherry Street already, she would suspect anything that

goes in there would be fairly high-end. Ms. Cantrell commented that it sounds like a neat idea and she has never heard of it. Ms. Cantrell indicated that she would support this application.

Mr. Dix stated that he didn't recognize Ms. Riley when she first came in, but he does know her and he has not had any conversation with her about this application. He feels very confident that she will do what she says she will do.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-706-A per staff recommendation.

Legal Description for PUD-760-A:

Lot 1, Block 1, Cherry Street Ridge, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

RELATED ITEM:

19. **PUD-760-1 – Lisa Riley**, Location: Northwest corner of East 15th Street South and South Troost Avenue, Requesting a **Minor Amendment** to reduce the required parking on the site from 84 spaces to 75, **RM-2/OL/CH/PUD**, (CD-4) (Related to Items 18 & 20)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required parking on the site from 84 spaces to 75. A parking analysis of the site is attached.

Tenants of this mixed use building include two restaurants, an art studio/bar and a retail clothing outlet. While the request is being made to reduce the required parking by nine spaces, staff contends this is more of a shared parking arrangement as the retail clothing outlet closes at 5:00 PM and the art studio/bar does not open until 7 PM.

Section 1106 of the Zoning Code allows the TMAPC to reduce parking requirements in a PUD so long as the plat of the property incorporates such changes. Should the plat of the property already be filed with the County Clerk's Office, the change must be recorded by separate instrument.

This property is identified by the Comprehensive Plan with a land use designation of "Main Street". The Transportation chapter of the Plan states, "The city's approach to parking will make optimal use of the land along main streets, downtown, and in new centers to better support pedestrian-friendly places". The Plan further states, "Consider shared parking and other parking reduction strategies to more effectively minimize paved areas". And finally Page 40 of

"Strategies for Achieving the Vision" states, "Instead of burdening each property with high parking requirements, Innovative Parking Solutions allows the market to determine how much parking to include on site. In places such as Cherry Street, the benefits would be immediate".

Since it is generally understood that parking requirements in the current zoning code are excessive, combined with the many recommendations within the Comprehensive Plan to reduce individual site parking, staff recommends **APPROVAL** of minor amendment PUD-760-1 reducing the required parking from 84 to 75.

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

INTERESTED PARTIES COMMENTS:

Chip Atkins, 1638 East 17th Place, 74120, stated that he hopes that when the new Zoning Code will address these issues that have come up today. There isn't enough parking in the subject area. Mr. Atkins commended Mr. Walker and his endeavor for getting 15th Street parallel parking going and it has helped the parking issue. Mr. Atkins concluded that he hopes that this gallery succeeds.

Applicant indicated his/her agreement with the staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to **APPROVE** the minor amendment for PUD-760-1 per staff recommendation.

- 20. **PUD 760 A – Plat Waiver**, Location: 1621 East 15th Street, Lot 1, Block 1, Cherry Street Ridge (CD 4) (Related to items 18 & 19)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment for a change in use.

Staff provides the following information from TAC at their November 3, 2011 meeting:

ZONING:

TMAPC Staff: The property has been platted previously.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

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

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

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

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

- | | YES | NO |
|--|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | | X |
| 6. Infrastructure requirements: | | |
| a) Water | | |
| i. Is a main line water extension required? | | X |
| ii. Is an internal system or fire line required? | | X |
| iii. Are additional easements required? | | X |
| b) Sanitary Sewer | | |
| i. Is a main line extension required? | | X |
| ii. Is an internal system required? | | X |
| iii. Are additional easements required? | | X |

- c) Storm Sewer
 - i. Is a P.F.P.I. required? X
 - ii. Is an Overland Drainage Easement required? X
 - iii. Is on site detention required? X
 - iv. Are additional easements required? X
- 7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? 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

Applicant indicated his/her agreement with the staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to **APPROVE** the plat waiver for PUD-760-A per staff recommendation.

- 21. **PUD-788 – Roy D. Johnsen/Grace Apostolic Temple, Inc.**, Location: Southwest corner Peoria and 56th Street North, Requesting **PUD** to stimulate the redevelopment of the subject property to permit retail uses in two development areas with a maximum permitted floor area of 17,375 square feet, from **CS/RS-3** to **CS/RS-3/PUD**, (CD-1) (Continued from 11/2/11)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11914 dated September 1, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-644 March 2001: All concurred in approval for a Planned Unit Development on a 13± acre tract, for church use, subject to conditions, located on the southeast corner of East 56th Street North and North Madison Avenue.

BOA-10091 August 17, 1978: The Board of Adjustment approved a Special Exception to operate an automobile tune-up, overhaul and repair service shop in a CS district, on property located at 5492 North Peoria Avenue and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.81± acres in size and is located southwest corner of North Peoria Avenue and East 56th Street North. The property is developed and is zoned RS-3/CS.

SURROUNDING AREA: The subject tract is abutted on the east by Peoria Avenue and then Grimes Heights, zoned CS and RS-3; on the north by 56th Street North and then Kruger Tracts, zoned IL; on the south by unplatted property, zoned CS and RS-3; and on the west by unplatted property, zoned RS-3 and then greater grace Apostolic Temple of Tulsa Resubdivision of B9 Sharon Heights Addition.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates North Peoria Avenue as a Multi-Modal Corridor and does not designate 56th Street North.

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

STREETS:

The Tulsa City-County Major Street and Highway Plan designates 56th Street north and North Peoria Avenue as follows:

	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Peoria Avenue	Multimodal	100'	4 (plus center turn

	Secondary Arterial		lane at intersection)
East 56 th Street North	Secondary Arterial	100'	4 (plus center turn lane at intersection)

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates the subject tract as an "Area of Growth" with a land use designation of "Mixed Use Corridor".

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.

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 contends that the proposed PUD is **in accord** with the plan.

STAFF RECOMMENDATION:

The purpose of PUD-788 is to stimulate the redevelopment of the subject property to permit retail uses in two development areas with a maximum permitted floor area of 17,375 square feet (SF). Staff understands that the proposal includes a freestanding drug store in Development Area A.

The subject tract is located on the southwest corner of East 56th Street North and North Peoria Avenue. The tract is 2.37 gross acres and gradually slopes from east to west with a peak elevation of 660 feet at the southeast corner of the site and a low point of 652 feet at the northwest corner of the site. The property is zoned CS and RS-3. The property has 174 feet of frontage on Peoria Avenue and 400 feet of frontage on 56th Street North. The east 190 feet of the property is zoned CS and the west 210 feet of the property is zoned RS-3. The western portion of the property is vacant.

Currently there is a pawn shop located on the hard corner with a vacant automotive repair shop located adjacent to the south. There is one single-family residence adjacent to the property to the west.

The proposed uses and intensity of use of the Planned Unit Development is permitted by the existing underlying zoning. No change of the underlying zoning districts is proposed. The existing CS zoning on the property would allow approximately 26,000 SF of commercial floor area.

Access to the site will be derived from 56th Street North and from North Peoria Avenue. In anticipation of the high volume of pedestrian customers, new sidewalks will be extended along 56th Street North and North Peoria Avenue. Distinct pedestrian access will be provided from the North Peoria Avenue sidewalk connecting to the main entry of the building proposed for Development Area A. Pedestrian access through the parking lot will be identified by the use of raised pavement or high contrast striping.

There is a church use to the southwest and south, an automotive retail store to the east, CS zoning on the vacant northeast corner of the intersection, and IL zoning on the northwest corner of the intersection. With the mix of zoning districts staff believes this development has the potential of being the beginning of the transformation of this major intersection into a true mixed use corridor as anticipated by the Tulsa Comprehensive Plan.

The Planned Unit Development is intended to establish a conceptual site plan with allocation of uses and intensity of uses, and development standards and conditions to be followed by detailed site plan review of each phase of development.

Staff has carefully reviewed this development proposal and supports this application. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-788 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-788 subject to the following conditions:

1. The applicant's concept development plan and text be made a condition of approval unless modified herein.
2. Development Standards:

DEVELOPMENT AREA A

Net Land Area: .93 acres
40,702 SF

Permitted Uses:

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

Maximum Building Floor Area: ~~40,475~~ 11,000 SF

Minimum Building Setbacks:

From Peoria right of way	50 FT
From 56 th Street right of way	50 FT
From west boundary	40 <u>20</u> FT
From south boundary	30 <u>10</u> FT

Maximum Building Height: 30 FT (2 stories)

Off-street Parking Spaces: As required by the applicable Use Unit

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed ~~25~~ 30 feet.

Signs:

- (a) Wall or canopy signs shall not exceed two square feet of display surface area per lineal foot of the building wall to which affixed. The aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground sign not exceeding ~~25~~ 28 feet in height and 192 square feet of display surface area.

DEVELOPMENT AREA B

Net Land Area: .66 acres 28,895 SF

Permitted Uses:

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

Maximum Building Floor Area: ~~7,200~~ 8,600 SF

Minimum Building Setbacks:

From 56 th Street right of way	50 FT
From east boundary	10 FT
From west boundary	20 FT
From south boundary	10 FT

Maximum Building Height: 30 ft. (2 stories)

Off-street Parking Spaces: As required by the applicable Use Unit

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting, including building mounted shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 25 feet. Verification shall be by the submittal of a photometric plan and manufacturer's cut-sheets for the lighting units showing full cut-off capability.

Signs:

- a. Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.

- b. One monument sign not exceeding ~~42~~ 15 feet in height and ~~64~~ 70 square feet of display surface area.

Landscaping and Screening

~~Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code, which may include Alternative Compliance.~~ For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from Peoria Avenue shall be deemed to be 50 feet and the minimum setback from 56th Street shall be deemed to be 50 feet. A screening fence not less than six feet in height shall be constructed and maintained along the west boundary of Development Area B.

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code, which may include Alternative Compliance. Alternative Compliance is requested to permit required trees for the Street Yard within Development Area A and adjoining North 56th Street, to be located within the North 56th Street right of way and that the required landscape area for the street yard within Development Area A and adjoining North 56th Street, be relocated within Development Area A and the foregoing being subject to Staff review of a detail landscaping plan of the requested Alternative Compliance.

Access and Pedestrian Circulation

Access is to be derived from Peoria Avenue and 56th Street. 56th Street access will include a mutual access easement for Development Areas A and B.

Per subdivision regulations, sidewalks will be provided if not currently existing, along North Peoria Avenue and 56th Street North. Internal pedestrian circulation will be established subject to detail site plan review.

Public Notice

For all actions, including detail site plan review public notice shall be given to the residential property owner immediately adjacent to the PUD to the west.

8. No zoning clearance permit shall be issued 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.
9. 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.

10. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
11. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
12. 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.
13. No building permit shall be issued until the platting requirements of Section 1107-F of the Zoning Code has 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. 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.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle 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.

TAC Comments

General: In the Surveyor's Overall Description the 3rd Bounding Line Description did not include a distance, and letters were cutoff on the right side of the page. A standard 17.5' utility easement should be provided around the entire perimeter property line.

Water: Water services can be taken from the 12-inch main along the north side of 56th St N or the 12-inch on the east side of Peoria Avenue.

Fire: No comments.

Stormwater: No comments.

Wastewater: A sanitary sewer mainline extension will be required to serve any development of the PUD.

Transportation: Provide corner radius of 30' at street intersection. Driveway width for driveway on 56th St N must be between 24'–36'. Section IV B. of Development Standards modifies sidewalk section to read: "Sidewalks shall be provided according to subdivision regulations along Peoria Ave and 56th St. Internal pedestrian circulation will be subject to detail site plan review."

Traffic: No comments.

INCOG Transportation:

- **MSHP:** E. 56th Street North is a designated secondary arterial. N. Peoria Ave. is a designated secondary arterial multimodal street.
- **LRTP:** N. Peoria Ave, between E. 46th Street N. and E. 56th Street N., existing 4 lanes. E. 56th Street N., between Lewis Ave and Union Ave, existing 2 lanes. Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates an existing route on N. Peoria Ave, between E. 46th Street N. and E. 56th Street N. 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.

GIS: No comments.

Street Addressing: No comments.

Inspection Services: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Dix questioned the need for a detention pond and asked if fees-in-lieu of a detention pond is possible. Mr. Sansone advised Mr. Dix to read the TAC comments regarding this issue and he didn't know if the option for a fee-in-lieu of a detention pond is available for this site.

Applicant's Comments:

Roy Johnsen, One West 3rd, Suite 1010, 74103, stated that the Comprehensive Plan identifies the subject area as mixed-use corridors and it is anticipated to be commercial uses. There are three houses on the north side of 56th Street North. The zoning patterns indicate that this proposal is a consistent delineation of the west boundary non-residential use. This is a PUD and there will be a site plan review and there are lighting, screening and landscaping requirements.

Mr. Johnsen stated that presently the proposed use for the north portion of the subject property is for a drug store. Mr. Johnsen explained that his client can't meet the normal landscaping requirement of 15 percent of street yard along 56th Street and still have the double drive-through for the pharmacy. He stated that

he is advised that this proposal cannot go forward if the drive-through is not allowed as planned. Mr. Johnsen recognized that it is unusual to set this out as part of the PUD, knowing that it would still have staff review, but he wanted his client to have some feeling that the Planning Commission would recognize that alternative compliance would be appropriate here.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Johnsen stated that the drug store has prototypes and he believes that is why they are requesting the change in the signage.

INTERESTED PARTIES COMMENTS:

Mary Odom, 10914 North Sheridan, Sperry, 74073, stated that she inherited the nearby property from her father and came to today's meeting to see what they were proposing. She has no objection to the proposal and she is pleased that Tulsa is moving their redevelopment out north.

Pat Barnett, 1022 East 56th Street North, 74126, stated that his home is west of the subject property. He expressed concerns that the development would be too close to his property. Mr. Barnett stated that he would prefer that everything remain residential. He expressed concerns that development will keep squeezing properties. He recommended the Development Area B should remain residential. Mr. Barnett stated that he is on the City side of the street and his neighbors are on the County side of the street and they didn't attend today because they don't have any say on this today.

TMAPC COMMENTS:

Ms. Cantrell assured Mr. Barnett that the Planning Commission and City Council do listen to the City and County residents and they shouldn't feel that they have no say. Ms. Cantrell stated that the subject area looks as though it is developing commercial. She asked Mr. Barnett if there is anything that the Planning Commission could put in Development Area B to provide him more protection. Mr. Barnett stated that there are young people who want to own homes in the subject area. He doesn't want to move and would like to live in his home the rest of his life. Ms. Cantrell explained to Mr. Barnett that the exit will be on property B and nothing will come onto his property line without his permission. Ms. Cantrell informed Mr. Barnett that there are no specific plans for Area B at this time. Mr. Barnett stated that since there are no specific plans for Area B, then leave it residential and come back when there something planned. Mr. Barnett commented he isn't against growth, but he doesn't want to be squeezed.

Ms. Odom stated that there is a sewer line that runs in front of her property. She questioned if the sewer line is gone, because it use to run along Peoria in front of the address of 5481 North Peoria. Ms. Odom stated that she can understand Mr. Barnett's concerns but she doesn't know how one can tell water it can't go there.

Applicant's Rebuttal:

Mr. Johnsen stated that he believes that there might have been some misunderstanding on the boundaries and he believes that it has been clarified now by the Planning Commission. The detention is for stormwater detention and the concept is that the flow will not be increased off of the tract of development. His client will be required to bring sanitary sewer to the subject property and it is a substantial expense. The subject site is consistent with the Comprehensive Plan all the way to the south for being a mixed-use area. It is also consistent with a number of zonings that have happened to the south. This is a very consistent application and the PUD offers protection to the adjoining properties. Area B is a difficult property to develop due to drainage issues.

TMAPC COMMENTS:

Mr. Dix stated that he is still struggling with the detention area. Mr. Johnsen stated that he would rather not build the detention area, but he understood it would be required. Mr. Dix stated that onsite detention becomes a maintenance nightmare and they are never maintained right. Mr. Dix stated that the TAC comments didn't show any stormwater comments. Mr. Johnsen stated that he is sure that his engineer has checked into this issue and normally one prefers to pay the fee and if that is possible he will investigate it, but he doesn't believe it will be permitted due to the existing drainage issues. Mr. Dix asked if the detention pond is necessary, it would be better to move it to the middle of the lot-line and free up some of the site plan for the pharmacy. Mr. Johnsen stated that he could explore that idea. Mr. Johnsen stated that the detention pond and the tree plantings will have to meet the City of Tulsa requirements. Mr. Johnsen further stated that the maintenance on the detention pond will be taken care of and there is an incentive to take care of it since it will be so close to the store. Mr. Johnsen further stated that he would disagree slightly with Mr. Dix's comments about detention ponds in Tulsa maintenance. He believes that they are very well maintained.

Ms. Cantrell asked Mr. Johnsen if there were any plans for Area B at this time. In response, Mr. Johnsen stated that there are no plans at this time. Ms. Cantrell stated that she hopes when something is planned for Area B that someone would sit down with Mr. Barnett and ease his mind. Mr. Johnsen stated that normally notice would be given to the interested party at detail site plan and he would be fine with that.

Mr. Steele, Senior Engineer for City of Tulsa, stated that Mr. Johnsen covered the detention pond issue very well. The applicant is allowed to detain or pay the fee if the City agrees with the payment of fee. The fee has gone up recently and will go up again in April 2012. It will be 74 cents a square foot of increased impervious area. The determinations will not be made until there is a building plan for a building permit and until that time nothing is decided on detention. The City will look at the site and their objectives are to ensure that they accept water coming onto the property and they can convey it off without causing damage to

anyone. If the applicant increases the impervious area considerably there will be a lot more runoff. If the applicant decides to detain, normally they are dry detention and they are mowed instead of keeping water there, which makes them more efficient that way. It would be inspected regularly, and he understands that there may be some in the City that are not in the best condition, but they are inspected regularly to ensure that they can function as intended.

Mr. Leighty stated that he can sympathize with Mr. Barnett, but this is located at a corner of a major intersection of arterials and will have some growth now and in the future. Mr. Leighty indicated that he would support this application and it is providing some much needed-development in the subject area and hopefully will be an asset their community.

Mr. Carnes stated that he would make a motion to approve the staff recommendation with the amendments.

Ms. Cantrell asked if she could make a friendly amendment to notify Mr. Barnett at detail site plan for Area B.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to recommend **APPROVAL** of PUD-788 per staff recommendation, subject to amendments submitted by the applicant and presented by staff, subject to notice being given to Mr. Pat Barnett for any subsequent development on Area B. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-788:

A TRACT OF LAND BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; MORE PARTICULARLY DESCRIBED TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION TWELVE (12); THENCE SOUTH 88°32'57" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 50.00 FEET; THENCE SOUTH 01°10'06" EAST AND PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°10'06" EAST A DISTANCE OF 197.00 FEET TO A POINT; THENCE SOUTH 88°32'57" WEST AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 400.00 FEET TO A POINT; THENCE NORTH 01°10'06" WEST AND PARALLEL TO THE EASTERLY LINE OF SAID SECTION 12 TO A POINT; THENCE NORTH 88°32'57" EAST AND

PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 400.00' TO THE POINT OF BEGINNING.

22. **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) (Continued from 11/2/11)

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:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he is representing Arrow Engine Company and they have been in business for 60 years with 260 employees. The company is growing and has hired over 100 people in the last 12 months. The company owns three lots and would like to expand it for parking to accommodate their employees. Mr. Reynolds cited the existing zoning and the past rezoning of the subject area. Mr. Reynolds commented that with the existing activity in the subject area he believes that the application is consistent with the Comprehensive Plan. Mr. Reynolds requested that the Planning Commission approve this requests.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Reynolds if he contacted the property owners on the west side. In response, Mr. Reynolds stated that he didn't personally contact them, but he did spend a lot of time in the subject area taking pictures and looking at the site. He has never had any personal contact with anyone while visiting the site. Mr. Reynolds indicated that he did see the rezoning sign posted on the subject property. Mr. Reynolds stated that the employees are currently parking on the company facility and there is a need for more parking. If more parking doesn't become available they will have to park on the street.

Ms. Cantrell stated that she would like to remind everyone that the Planning Commission did this lot-by-lot for the new Comprehensive Plan and knew that there would be some mistakes. In retrospect, the line for the land designation probably should have extended to Haskell. The subject lots look as though they have been empty for a long time. Ms. Cantrell indicated that she would support this application, but she would like to suggest to City Council or staff to look at the area between Haskell Place and north to Independence and come up with a better idea. She would like to see this whole area go to employment.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to recommend **APPROVAL** of the PK zoning for Z-7184.

Legal Description for Z-7184:

Lots 10, 11 & 12 *less and except* the north 20' of the east 20' thereof, Block 1, Cherokee Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

Commissioners' Comments

Ms. Cantrell stated that respect to the previous case to send a note to City Council to review the subject area with regard to the Comprehensive Plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget Stirling "absent") to **REQUEST** the City Council to look at the area between Haskell Place and north to Independence, between Lewis and Yorktown to see if it should be changed with respect to the Comprehensive Plan.

Mr. Leighty stated that when a site plan is submitted for a commercial area and office area there wasn't an overall look at the connectivity between the two development areas. Is this something that the Planning Commission can look at in the future when there is a side-by-side detail site plans coming up? Mr. Sansone stated that it can be done, but the PUD Mr. Leighty is referring, was approved prior to the new Comprehensive Plan and prior to having extensive talks about connectivity. It wasn't a requirement of the PUD that it would be shown. Mr. Sansone stated that PUD-747-A has extensive internal sidewalk systems and mutual access points. Mr. Sansone stated that he has spent a lot of time at the site and his impression is that there wouldn't be a lot of people walking back and forth to that particular development.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Liotta, Midget, Stirling "absent") to **ADJOURN** TMAPC meeting No. 2614.

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

12-7-2011

Bob Leighty

Chairman

ATTEST:

[Signature]

Secretary

