TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2557
August 19, 2009, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chambers

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:
Report on the update of the Comprehensive Plan

Director's Report:
Land Use Education & Communication Committee Report and Response.

1. Minutes of August 5, 2009, Meeting No. 2556

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-20326** – Joshua Adsit (1433)/Lot-Split
   East of North 129th Avenue and North of East 66th Street North, 6811
   North 129th East Avenue

3. **LS-20327** – Mike Marquardt (0330)/Lot-Split
   Southeast Corner of North Peoria Avenue and East Reading Street, 1601
   North Peoria Ave East

4. **LC-1** – Erwin Reiff (8310)/Lot Combination (Rescind)
   (PD 18) (CD 8)
   West of South Maplewood Avenue and North of East 76th Place, 5951
   East 76th Court

5. **LC-192** – Saul Bojorquez (9306)/Lot Combination
   Southeast corner of East 8th Street and South Trenton Avenue, 801 South
   Trenton Avenue

6. **LC-194** – St Peter & Paul Church (0335)/Lot Combination
   Southeast corner of East Oklahoma Place and North 67th East Avenue,
   6704 East Oklahoma Place North

7. **LC-195** – Adriar Watts, Jr. (8419)/Lot Combination
   (County)
   North of East 101st Street and East of South Mingo Road, 10205 East
   101st Street

8. **LC-196** – Bob Bean, Jr. (9217)/Lot Combination
   (County)
   South of West 26th Street and West of South 57th Avenue, 6144 West
   26th Street
9. **LS-20325** – Bob Bean, Jr. (9217)/Lot-Split
   South of West 26th Street and West of South 57th Avenue, 6144 West 26th Street

10. **LC-197** – Habitat For Humanity (9233)/Lot Combination
    South of West 55th Street and East of South 41st Avenue, 4012 West 55th Street

11. **LC-199** – Tulsa Hills (8211)/Lot Combination
    North of West 81st Street and East of South US-75, Tulsa Hills

12. **LS-20329** – Tulsa Hills (8211)/Lot-Split
    North of West 81st Street and East of South US-75, Tulsa Hills (Related to Items 13 & 19)

13. **LC-201** – Tulsa Hills (8211)/Lot Combination
    North of West 81st Street and East of South US-75, Tulsa Hills (Related to Items 12 & 19)

14. **LC-202** – Tulsa Hills (8211)/Lot Combination
    North of West 81st Street and East of South US-75, Tulsa Hills

15. **LC-203** – Jesus & Hilda Mejia (2320)/Lot Combination
    East of North Delaware Avenue and west of North College Ave, 9205 North Delaware Avenue

16. **Tradition Blocks 8-11-(8327) Final Plat**
    West of the northwest corner of 111th Street South and South Sheridan Road

17. **BOA-20961-(9305) Plat Waiver**
    Northwest corner of East 5th Place and South Harvard Avenue

18. **Riverside Market II Amended – (8320) Amendment to Deed of Dedication**
    West of Riverside Parkway, North of East 101st Street South

19. **Z-7008-SP-1-K – Chris Evertz**
    North of the northeast corner of West 81st Street South and Olympia Avenue (Corridor Minor Amendment to split 179,046 SF of lot area from Lots 3 and 4, Block 2, Tulsa Hills and add to Lot 6, Block 2 and reallocate floor area.) (Related to Items 12 & 13)

20. **Z-7008-SP-1-L – Chris Evertz**
    Lots 7 and 8, Block 1, Tulsa Hills (Corridor Minor Amendment) (Continue to September 2, 2009 to allow applicant to file for a lot-split.)

21. **PUD-575-B – Richard Johns**
    Northeast of the northeast corner of 81st Street South and South Mingo Road (Detail Site Plan and Landscape Plan for a two-story, 5,996 SF office building.)

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
PUBLIC HEARINGS

22. **Sunrise Terrace II** – (9307) Minor Subdivision Plat

Southeast corner of East 15th Street and South Harvard Avenue
(Continuance requested until September 16, 2009 for further Technical Advisory Committee review.)

23. **CZ-402 – John Copp**

East of southeast corner of South 45th West Avenue and West 55th
(County)

24. **PUD-772 – Khoury Engineering, Inc.**

Between East 13th Street and East 13th Place and between South Trenton Avenue and South Utica Avenue (PUD for a three story, 129 unit elderly/retirement housing, assisted living and memory care development.)

OTHER BUSINESS

25. Commissioners' Comments

ADJOURN

PD = Planning District/CD = Council District

NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region’s current and future residents.

TMAPC Mission Statement
Final Subdivision Plat

 Tradition Blocks 8-11 - (8327) (PD 26) (CD 8)
 West of the northwest corner of 114th Street South and Sheridan Road

 This plat consists of 45 Lots in 4 Blocks on 26.97 acres.

 Staff recommends APPROVAL of the Final Plat. All release letters have been received.
PLAT WAIVER

August 19, 2009

BOA-20961 (9305) (PD 4) (CD 4)
Northwest corner of East 5th Place and South Harvard Avenue

The platting requirement is being triggered by BOA case 20961 which approved a Special Exception for university facilities and accessory uses.

Staff provides the following information from TAC at their August 19, 2009 meeting:

ZONING:
• TMAPC Staff: The property has previously been platted.

STREETS:
• No comment.

SEWER:
• No comment.

WATER:
• No comment.

STORM DRAIN:
• No comment.

FIRE:
• No comment.

UTILITIES:
• No comment.

Staff recommends APPROVAL of the plat waiver.

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

<table>
<thead>
<tr>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has Property previously been platted?</td>
<td>X</td>
</tr>
<tr>
<td>2. Are there restrictive covenants contained in a previously filed plat?</td>
<td>X</td>
</tr>
<tr>
<td>3. Is property adequately described by surrounding platted properties or street right-of-way?</td>
<td>X</td>
</tr>
</tbody>
</table>

17.3
A **YES** answer to the remaining questions would generally **NOT** be favorable to a plat waiver:

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Is right-of-way dedication required to comply with Major Street and Highway Plan?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6. Infrastructure requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Is a main line water extension required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii. Is an internal system or fire line required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii. Are additional easements required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Sanitary Sewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Is a main line extension required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii. Is an internal system required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii. Are additional easements required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Storm Sewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Is a P.F.P.I. required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii. Is an Overland Drainage Easement required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii. Is on site detention required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iv. Are additional easements required?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7. Floodplain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Does the property contain a City of Tulsa (Regulatory) Floodplain?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Does the property contain a F.E.M.A. (Federal) Floodplain?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8. Change of Access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Are revisions to existing access locations necessary?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>9. Is the property in a P.U.D.?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) If yes, was plat recorded for the original P.U.D.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>10. Is this a Major Amendment to a P.U.D.?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>11. Are mutual access easements needed to assure adequate access to the site?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
August 11, 2009

Ms. Diane Fernandez
INCOG
Two West Second Street, Suite 800
Tulsa, OK  74103

RE:  Lot 4, Block 1, Riverside Market Two Amended

Dear Ms. Fernandez:

On June 17, 2009 the Tulsa Metropolitan Area Planning Commission approved LS 20306 and the associated amendment to PUD-306-H-4 allocated building floor area. Please place the attached proposed amendment to the Deed of Dedication on the August 19th planning commission meeting agenda. Please contact us with any questions.

Thank you.

Sincerely,

SACK AND ASSOCIATES, INC.

Mark B. Capron

MBCsky

F659A (21)
1811.20
AMENDMENT TO THE DEED OF DEDICATION AND RESTRICTIVE COVENANTS OF “RIVERSIDE MARKET TWO” AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

This AMENDMENT to the Deed of Dedication and Restrictive Covenants is made this 4th day of August, 2009 by Seayco-THF Riverside Market Two, L.L.C., a Missouri Limited Liability Company who, at this date, is the owner of “Lot 4, Block 1 of RIVERSIDE MARKET TWO AMENDED”, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, affected by this AMENDMENT, to-wit:

OWNER
Seayco-THF Riverside Market Two, L.L.C.

LOT, BLOCK
Lot 4 in Block 1

WHEREAS, PUD-306-H-4 was submitted as a Minor Amendment to Planned Unit Development 360 on June 17, 2009.

WHEREAS, it is the desire of the above named owner to amend the provisions of the restrictive covenants contained in the Deed of Dedication of the plat of “RIVERSIDE MARKET TWO AMENDED”, plat number 5805 filed of record in the office of the County Clerk of Tulsa County, State of Oklahoma, on the 2nd day of September, 2004 as they affect the above property.

NOW, THEREFORE, the undersigned do hereby amend and modify the restrictive covenants and certificate of dedication of “RIVERSIDE MARKET TWO AMENDED” as set forth hereinbelow:

The “Maximum Floor Area” provided in SECTION II., Subsection B, Paragraph ‘2’, are hereby amended as follows:

TRACT A OF LOT 4 (SEE EXHIBIT A) 130,000 SF
TRACT B OF LOT 4 (SEE EXHIBIT B) 0 SF

The undersigned, as the owner of the affected lot, does hereby repeal those parts of the Deed of Dedication, as amended, which are inconsistent herewith, and amended hereby, and does further hereby ratify and incorporate by reference, and affirm all parts of the Deed of Dedication, which are not amended hereby and which are consistent and shall be enforceable to the same extent and

183
in the same manner as if originally set forth fully in the original Deed of Dedication and Restrictive Covenants of “RIVERSIDE MARKET TWO AMENDED”.

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT to be executed the day of year first above written.

SEAYCO-THF RIVERSIDE MARKET TWO, L.L.C.,
a Missouri limited liability company

By: THF Riverside Market Two, L.L.C., Manager

By:

Michael H. Stemberg, Manager

STATE OF MISSOURI )
 ) SS
COUNTY OF ST. LOUIS )

Before me the undersigned a Notary Public, in and for the said County and State, as of this 4th day of August, 2009, personally appeared Michael H. Stemberg to me known as the identical person who is the Manager of THF Riverside Market Two, L.L.C., a Missouri limited liability company, the Manager of SEAYCO-THF RIVERSIDE MARKET TWO, L.L.C., a Missouri limited liability company, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the fee and voluntary act and deed of such limited liability companies, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

3-7-2011

My commission expires

The within and foregoing First Amendment to the Deed of Dedication and Restrictive Covenants of “RIVERSIDE MARKET TWO AMENDED” is hereby approved this _____ day of August, 2009.

TULSA METROPOLITAN AREA
PLANNING COMMISSION

Attest:

By:

Secretary

Chairman
STAFF RECOMMENDATION

Z-7008-SP-1k: Corridor Plan Minor Amendment – North of the northeast corner of W. 81st Street South and Olympia Ave.; Lots 3, 4, and 6, Block 2 – Tulsa Hills; TRS 8211; CZM 51: PD 8; CD 2; CO.

The applicant is requesting a minor amendment to split 179,046 square feet (sf) of lot area from Lots 3 and 4, Block 2 - Tulsa Hills and add it to Lot 6, Block 2 – Tulsa Hills (see Exhibit A) and re-allocate floor area. Associated with this minor amendment are Lot Split LS-20329 and Lot Combination LC-201, also appearing on the August 19th agenda of the TMAOC.

The area being split from Lots 3 and 4 is the location of a 100’ Public Service Company easement, a 17.5’ utility easement, an overland drainage easement and a 20’ trail easement. Therefore the area being split from Lots 3 and 4 and combined with Lot 6 may never be developed. Lot 6 is fully developed. Maintenance of the area being removed from Lots 3 and 4 will become the responsibility of the owner of Lot 6.

The existing lot areas and floor area allocations are as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Existing Area</th>
<th>Allocated Floor Area @ .25 FAR per original approval of CO Plan Z-7008-SP-1/Tulsa Hills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots 3 &amp; 4</td>
<td>777,131 sf</td>
<td>194,282 sf</td>
</tr>
<tr>
<td>Lot 6</td>
<td>401,245 sf</td>
<td>100,311 sf</td>
</tr>
</tbody>
</table>

The new lot area and floor area allocation resulting from the lot split/combinations:

<table>
<thead>
<tr>
<th>Lot</th>
<th>New Lot Area</th>
<th>New allocation of floor area per lot split/combination @ .25 FAR</th>
<th>% increase/decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots 3 &amp; 4</td>
<td>598,085 sf</td>
<td>149,521 sf</td>
<td>15% decrease</td>
</tr>
<tr>
<td>Lot 6</td>
<td>401,245 sf</td>
<td>145,072 sf</td>
<td>16% increase</td>
</tr>
</tbody>
</table>

The setback requirement for Lots 3 and 4 from the lot line in common with the single family development to the east will remain 100’ as originally approved.

Staff has reviewed the proposal and feels approval of the minor amendment does not represent a significant departure from the approved development concept, nor will it change the character of the development. Since the buffer for the single family development to the east is not being reduced or altered, combined with the aforementioned, staff can recommend APPROVAL of minor amendment Z-7008-SP-1k.

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

PUD-575-B: Detail Site Plan – Northeast of the northeast corner of 81st Street South and South Mingo Road; East of the northeast corner of E. 79th Street South and Mingo Rd.; Lot 4, Block 1 – 7900 Mingo; TRS 8407; CZM 111/54; PD 18; CD 7; CO/PUD.

The applicant is requesting approval of a detail site and landscape plan for a 2-story, 5,996 square foot (sf) office building. The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use within PUD-575-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from 79th Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. Site lighting is not proposed at this time. Sidewalks are provided along East 79th Street South as required by PUD Development Standards and subdivision regulations. A pedestrian walkway thorough the parking lot is provided per PUD development standards.

Staff recommends APPROVAL of the detail site plan for Lot 4, Block 1 – 7900 Mingo.

(Note: Detail site plan approval does not constitute sign plan approval.)
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: CZ-402

TRS 9233   Atlas 572
CZM 45     County

TMAPC Hearing Date: August 19, 2009

Applicant: John Copp  Tract Size: .8+ acres/34,750+ square feet

ADDRESS/GENERAL LOCATION: East of southeast corner of South 45th West Avenue and
West 55th Place

EXISTING ZONING: RS  EXISTING USE: Apparently being used for trailer
storage/parking

PROPOSED ZONING: IM or IL  PROPOSED USE: Office & garage space

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

RELEVANT ZONING HISTORY:

CZ-315 January 2003: All concurred in approval of a request for rezoning a 1.79+ acre tract
of land from RS to IL for light industrial, on property located west of northwest corner West
57th Street South and South 45th West Avenue.

CZ-314 December 2002: All concurred in approval of a request for rezoning a tract of land
from RS to IL for industrial use, on property located west of the northwest corner West 57th
Street South and South 45th West Avenue

CZ-307 July 2002: All concurred in approval of a request for rezoning a .79+ acre tract of
land from RS to IL for a lawn service, on property located northeast corner of West 55th Street
South and South 43rd West Avenue.

CZ-263 February 2000: All concurred in approval of a request for rezoning two lots from RS
to CH for an existing hotel/motel, located west of the southwest corner of West 56th Street and
South 45th West Avenue.

CZ-258 December 1999: All concurred in approval of a request to rezone a lot from RS to IL
for light manufacturing use, located east of northeast corner of I-44 and West 57th Street South.

CZ-250 February 1999: All concurred in approval of a request to rezone a tract from RS to IL
for a proposed landscape maintenance service business, located on the east side of South
45th West Avenue between West 56th Place South and West 57th Street South.

CZ-248 December 1998: All concurred in approval of a request to rezone a tract from RS to
IL for a body shop, located on the southwest corner of West 55th Place and South 41st West
Court.
CZ-233 May 1997: All concurred in approval of a request to rezone a 2.2-acre tract from RS to IL, located east of the northeast corner of West 61st Street South and South 49th West Avenue.

CZ-202 June 1993: All concurred in approval of a request to rezone a .6-acre tract from RS to IL for a truck repair service, located on the northeast corner of West 56th Street South and South 45th West Avenue.

CZ-188 June 1991: All concurred in approval of a request to rezone a tract from RS-3 to IL for a fireworks facility, located east of the southeast corner of South 45th West Avenue and West 55th Street South.

CZ-142 April 1986: All concurred in approval of a request for rezoning a tract of land from RS to IL on property located on the north side of 55th Place and East of 45th West Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .8± acres in size and is located east of the southeast corner of South 45th West Avenue and West 55th Place. The property appears to be used for parking/storage of the trailers for semis and is zoned RS.

STREETS:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>West 55th Place</td>
<td>N/A</td>
<td>N/A</td>
<td>2 (barely; no curbs or gutters. Needs to be improved to industrial collector standards – 80’ ROW)</td>
</tr>
</tbody>
</table>

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

SURROUNDING AREA: This is an older area that appears to be transitioning from residential uses to industrial and commercial. The subject tract is abutted on the east by a single-family residence, zoned RS; on the north and south by industrial uses, zoned IL and residential uses, zoned RS; and on the west by a single-family residence, zoned RS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Special District C – a part of the Skelly Drive Frontage Area. Plan policies call for this area to develop commercially within the actual Skelly Drive frontage portion and to develop industrially within the remainder (which would include the subject property). According to the Zoning Matrix, the requested IM or IL zoning may be found in accord with the Plan due to the site’s location within a special district.

STAFF RECOMMENDATION:
This area has been in transition to higher intensity uses for many years due in part to its accessibility to various transportation modes. Numerous industrially-zoned properties lie adjacent to or nearby the subject site and nearly all are designated IL. Therefore, staff can recommend APPROVAL of IL zoning for CZ-402.

08/19/09
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: PUD-772

TRS 9307
CZM 37

TMAPC Hearing Date: August 19, 2009

Applicant: Khoury Engineering, Inc.

Tract Size: 6,892 ± gross/1,81 ± net acre
256,653 ± gross sf/209,523.6 ± net sf

ADDRESS/GENERAL LOCATION: Between East 13th Street and East 13th Place and between South Trenton Avenue & South Utica Avenue

EXISTING ZONING: RM-2
EXISTING USES: Residential/vacant

PROPOSED ZONING: RM-2/PUD
PROPOSED USE: Assisted Living

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, 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 use on property located northwest corner of East 15th Street and South Troost Avenue.

Z-7102 October 2008: All concurred in approval of a request for rezoning a 2.7+ acre tract of land from OL/RM-2 to OH for office use on property located southwest corner of the Broken Arrow Expressway and South Utica Avenue.

Z-7038 October 2006: A request for rezoning a 2+ acre tract of land from RM-2 to CH for new commercial development and parking, was withdrawn by applicant, on property located north of the northeast corner of South Troost Avenue and East 15th Street.

PUD-728 May 2006: All concurred in approval of a proposed Planned Unit Development on a 4.03+ acre tract of land for office, hospital, residential treatment center and transitional living center and off-street parking uses, on property located east and west sides of South Troost Avenue between East 12th Street and East 13th Street.

Z-6977/PUD-708-A July 2005: All concurred in approval of a proposed Major Amendment to a PUD on a 1.34+ acre tract of land on property and to allow on property located on the southeast corner East 15th Street and South Utica Avenue. Staff and TMAPC recommended approval to remove HP zoning subject to the removal of the Victor access. The City Council motioned to retain the three lots in HP overlay zoning, and approve the curb-cut onto Victor but not allow to open until the scheduled improvements at 15th and Utica intersection are made; and to approve a landscaping addition to the project at the southeast corner of parking lot providing a buffer and transition into the remaining single-family residential uses to the south.
**PUD-708 August 2004:** All concurred in approval of a proposed Planned Unit Development on a 1.34+ acre tract of land, to permit the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP to allow for a bank, including drive-thru facility, and office use subject to staff recommendations and eliminating access to Victor Avenue, and to specific traffic flow requirements on property located on the southeast corner of East 15th Street South and South Utica Avenue.

**Z-6935 April 2004:** All concurred in an approval for a request to rezone a 4.5+ acre tract from RM-2/PK/OL/CH to OH for the eastern two-thirds (207') of the site and OMH on the western one-third (103') of the site on property located west of the southwest corner of East 11th Street and South Trenton.

**PUD-697 February 2004:** All concurred in approval for Hillcrest Medical Center to develop .46+ acres for private parking, located on the southeast corner of East 13th Street South and South Utica Avenue.

**BOA-19170 September 11, 2001:** The Board of Adjustment approved a Variance of required parking spaces from 96 to 88; and Variances of required parking setbacks on three sides of the subject tract to allow 5' of required landscape strip (South Troost Avenue from 45' to 34'; East 13th Street from 45' to 35'; and South Utica Avenue from 60' to 55' and from 90' to 70', subject to a tie contract with the church across the street for overflow parking, finding 60' setbacks on Troost, 13th Street and Utica, and the elevation change from the west to the east, on property located at the Southwest corner East 13th Street and South Utica Avenue and a part of the subject property.

**PUD-432-E October 2000:** A major amendment to PUD-432-D to add a tract of land formerly occupied by the day-old bakery store and to add to the existing PUD, Development Area D into Development Area C for additional retail floor area, allowing Convenience Goods and Services and Shopping Goods and Services to the PUD which would allow a new gift, newspaper stand, souvenir shop and thrift store. The property is located between South Utica Avenue and South Victor Avenue, East 11th Street and East 12th Street, the amendment was unanimously approved.

**PUD-614 August 1999:** All concurred in approval of a proposed Planned Unit Development a 1.2+ acre tract for a one-story medical office (KMO Cancer Care Facility) on property located on the southeast corner of East 15th Street and South Victor Avenue.

**Z-6613 February 1998:** A request was filed to rezone a 4.4-acre tract located on the northeast corner of East 12th Street and South Trenton Avenue, zoned RM-2 and OL, and a smaller tract consisting of two small lots located south of the southeast corner of East 11th Street and South Utica Avenue and zoned CH. The larger tract is east, across South Trenton Avenue, from subject property. CH or OH zoning was requested for a proposed medical center; staff and TMAPC recommended OH zoning on both tracts and City Council concurred.

**PUD 553 April 1997:** All concurred in approval of a proposed Planned Unit Development on a 2.14+ acre tract of land to permit a bank, including drive-in facility, and office use per conditions on property located on the southwest corner of East 15th Street an South Utica Avenue.

**PUD-432-D August 1995:** All concurred in approval of a major amendment to expand the existing PUD to the east allowing for additional medical office and hospital buildings. The property is located between Utica and Xanthus Avenues from East 11th Street to East 13th Street.
**BOA-16248 January 12, 1993:** The Board of Adjustment approved a Special Exception to permit an existing church in an R district; per plan submitted; finding that the use has been in existence for many years, and has proved to be compatible with the surrounding neighborhood, on property located at 1244 South Utica and abutting north across East 13th Street from subject property.

**BOA-15106 April 6, 1989:** The Board of Adjustment approved a Special Exception to allow for office uses in an RM-2 district; and a Variance of the required screening; finding that the applicant resides in the home and the residential character of the structure will be maintained, and that office use is prevalent in the general area, on property located at 1312 South Troost Avenue and a part of the subject property.

**Z-6213 January 1989:** All concurred in approval of a request to rezone a 0.4-acre tract located on the southeast corner of East 12th Street and South Utica Avenue from OL, RM-2 and PUD-432 to OMH/PUD-432-A.

**PUD-437 August 1988:** All concurred in approval of a proposed Planned Unit Development a 1.35+ acre tract of land for uses as permitted by right in an OL district excluding drive-in banks and funeral homes and allowing 2 stories on property located on the southeast corner of East 14th Place and South Utica Avenue.

**PUD-432 November 1987:** All concurred in approval to develop 4.5 acres located between South Utica Avenue and South Victor Avenue, from East 12th Street to East 13th Street for hospital and office uses.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.81+ acres in size and is located between East 13th Street and East 13th Place and between South Trenton Avenue & South Utica Avenue. The property appears to be used residential and is zoned RM-2.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Utica Avenue</td>
<td>Urban Arterial</td>
<td>70'</td>
<td>4 w/ median</td>
</tr>
<tr>
<td>South Trenton Avenue</td>
<td>Residential Collector</td>
<td>60'</td>
<td>2</td>
</tr>
<tr>
<td>East 13th Street</td>
<td>Residential Collector</td>
<td>60'</td>
<td>2</td>
</tr>
<tr>
<td>East 13th Place</td>
<td>Freeway Access</td>
<td>60'</td>
<td>3</td>
</tr>
</tbody>
</table>

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Utica Ave. and then Terrace Drive Addition (resub.), zoned RM-2 and RS-3; on the north by Parkside Resub. Part of Block 6 and 7 Forest Park, zoned RM-2; on the south by 13th Place and then the Broken Arrow Expressway, zoned RS-3; and on the west by Forest Park Addition Amended, zoned RM-2.
RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within the Hillcrest Healthcare Special District. According to the Zoning Matrix, the existing RM-2 zoning is in accord with the Plan. According to the Plan development within this area should be limited to residential, health and health-related uses. Furthermore the plan states, as transition occurs from previous land use to health, hospital-related and/or compatible uses, developers are encouraged to minimize adverse impacts on adjacent low intensity (residential) uses by assembling several parcels, when feasible, rather than by spot development, and development should be through the PUD process.

STAFF RECOMMENDATION:
PUD-772/Luther Place is an in-fill development proposal consisting of 5.892 (+/-) gross acres (256,653 gross square feet). The development tract is located on Utica Avenue between 13th Street and 13th Place and covers the two block area from Utica Avenue to Trenton Avenue. The 2-story brick apartment building at the southeast corner of Trenton and 13th Street is not included in PUD-772. Troost Avenue from 13th Street to 13th Place (the BA Expressway) is proposed for closure.

The property is bordered on the east by Utica Avenue and then RS-3/PUD-697 zoned property which is currently vacant. PUD-697 is approved for a private parking lot for the Hillcrest Hospital complex. On the north the property is bordered by 13th Street and then RM-2 zoned property being used as a church/school as well as, what appears to be a vacant office building to the northwest. On the west the tract is bordered by the aforementioned apartment building and Trenton Avenue and then RM zoned property being used as a parking lot and three duplex units. The property is bordered on the south by 13th Place, an access road to the Broken Arrow (BA) Expressway.

PUD-772 proposes a 3-story, 129 unit elderly/retirement housing, assisted living and memory care development as permitted under Assisted Living Facility within Use Unit 8 - Multifamily and Similar Uses (see attached exhibits). The total floor area for the facility would be 129,163 sf with a building footprint of 72,150 sf. The underlying RM-2 zoning provides ample density for development therefore no zoning change is requested. The PUD is proposed to achieve the development flexibility with respect to building height and as required by the Comprehensive Plan for development within the Hillcrest Healthcare Special District within Planning District 4.

Access to the site is primarily from three points along 13th Street, a gated access point along Trenton Ave and an entrance only access point along 13th Place. There is no proposed access from Utica Avenue.

Staff has reviewed the concept development plan and performed site visits (see the attached area photographs). Given the tract location within the Hillcrest Healthcare Special District of the Comprehensive Plan and the recommendations associated with development within the special district, staff can support the application. Staff feels the proximity to one of the City's healthcare corridors and the site location along an urban arterial street and freeway access road makes this infill development proposal appropriate for the area. The redeveloped property will replace some properties which have been in decline for many years.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code and the Comprehensive Plan. Staff finds PUD-772 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Residential and PUD Chapters of the Zoning Code.
Therefore, staff recommends APPROVAL of PUD-772 subject to the following conditions as modified by staff:

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

2. Development Standards:

Permitted Use:

Assisted Living Facility as permitted in Use Unit 8, Multifamily Dwelling and Similar Uses and customary accessory uses.

Gross Land Area:
5.892 Acres (256,653 sf)

Net Land Area:
3.582 Acres (156,032 sf)

Minimum Land Area per Dwelling Unit:
1,200 sf

Minimum Livability Space per Dwelling Unit:
200 sf

Maximum Building Height:
50 feet - not to exceed three stories

Minimum Building Setbacks:
From centerline of South Utica Avenue: 85 feet
From East 13th Street ROW: 10 feet
From East 13th Place ROW: 10 feet
From South Trenton Avenue ROW: 10 feet

Maximum Building Height:
50 feet - not to exceed three stories
As required by the applicable Use Unit within the Tulsa Zoning Code.

Parking Ratio*:

* Parking proposed within the 13th Place right-of-way (ROW) must receive approval from the City of Tulsa prior to the submittal and approval of detail site plans.

Landscape Area:
A minimum of ten percent (10%) of the land area shall be improved as internal landscape open space in accordance with the Landscape Chapter of the Zoning Code. Street yards shall be landscaped per chapter 10 of the Tulsa Zoning Code.

Lighting:
Exterior light standards, including building mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting 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 within adjacent properties. Compliance with these standards shall be verified by application of the Kennebunkport Formula or submittal of a
photometric plan as part of the required detail site plan to be approved by the TMAPC. Consideration of topography must be included in the calculations.

Trash Containers:
Outside trash containers will be located within the southern half of the development and not within the western 65-feet of the development. Trash enclosures shall be completely screened from the view of a person standing within the adjacent residential areas and roadways.

Signs:
Signs shall be limited to the following:

No free standing signs or wall signs shall be permitted. Two identification signs incorporated into the screening wall along Utica Avenue, one at the corner of 13th Street and one at the corner of 13th Place shall be permitted. One additional identification sign shall be allowed, incorporated into the screening wall along 13th Street. Each sign will not exceed 32 sq ft of display area nor 8 feet in total height.

Access and Circulation:
Ingress and egress to Luther Place on Utica will be from 13th Street and Trenton Avenue. Only ingress is allowed from 13th Place. There will be no access from Utica Avenue. Sidewalks will be constructed, or maintained where existing, along the entire perimeter of the property per subdivision regulations.

3. No zoning clearance permit shall be issued within the PUD until a detail site plan for the lot, which includes all buildings, parking, site lighting, site/perimeter screening and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards. This shall include verification from the City of Tulsa that an agreement has been reached with respect to proposed parking in the 13th Place right-of-way (ROW).

4. A detail landscape plan for the development shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

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

6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

9. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC (below).

11. Entry gates and/or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** No comments.

**Water:** An IDP Water Mainline Revision Project is required. The proposed location of the water service meters should be in a green space area/island. If this standard is not met than traffic loaded rated vault/can will be required.

**Fire:** When relocating water mains maintain the required fire hydrant spacing.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:**
1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet

**Stormwater:** No comments.
**Wastewater:** Existing sanitary sewer lines on the property, and adjacent to the property must be relocated or brought up to City of Tulsa Standards prior to issue of any building permit. Capacity issues must be resolved prior to approval of the plans.

**Transportation:** To the access and circulation section include sidewalk requirement on all streets around the development per subdivision regulations.

**INCOG Transportation:**

1. **MSHP:** South Utica Avenue is a designated Urban Arterial.
2. **LRTP:** Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
3. **TMP:** No comment.
4. **Transit:** Currently, Tulsa Transit operates existing route on S. Utica Avenue, between 11th Street S. and 15th Street S. 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.

08/19/09
13TH ST. + UTICA LOOKING WEST.

13TH ST. + UTICA LOOKING SOUTH
13th PL. + Trenton looking EAST