# TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2633

September 5, 2012, 1:30 PM 175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center Tulsa City Council Chamber

### CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

#### **REPORTS:**

#### Chairman's Report:

**Worksession Report:** 

**Director's Report:** 

Review TMAPC Receipts for the month of July 2012

#### **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.

- 1. <u>LS-20540</u> (Lot-Split) (County), Location: South side of 161<sup>st</sup> Street South and west of South 161<sup>st</sup> East Ave.
- 2. <u>PUD-747-A Khoury Engineering, Inc.</u>, Location: North of the northeast corner of East 91<sup>st</sup> Street South and Yale Avenue, Requesting a **Detail Site Plan** for a new restaurant located in Development Area B, **CS/PUD-747**, (CD-8)
- 3. <u>PUD-531 Russell McDaris</u>, Location: North of the northeast corner of East 81<sup>st</sup> Street South at South Mingo Road, Requesting a **Detail Site Plan** for a 286 unit, two-story and three-story apartments, **CO/PUD-531**, (CD-7) (Related to Item 13)
- 4. <u>PUD-663 Tulsa Engineering & Planning/Tim Terrell</u>, Location: North of the northeast corner of East 81<sup>st</sup> Street South at Highway 169, Requesting a **Detail Site Plan** for Tulsa General Veterinary Hospital, **CO/PUD-663**, (CD-7)
- 5. <u>PUD-230-9 A-Max Sign Company</u>, Location: 3845 South 103<sup>rd</sup>, Suite 102, Requesting a Minor Amendment, (CD-7)

- 6. <u>PUD-600-A Kyle Ray</u>, Location: West of the southwest corner of East 91<sup>st</sup> Street South at South Yale Avenue, Requesting a **Detail Site Plan** for a building expansion project in Ashton Creek Office Park, **OL/PUD-600**, (CD-8)
- 7. <u>Z-6344-SP-6 Danny Mitchell</u>, Location: South of southeast corner of East 61<sup>st</sup> Street South and South 107<sup>th</sup> East Avenue, Requesting a Corridor Detail Site Plan for an addition to an existing warehouse area, CO, (CD-8)

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

#### **COMPREHENSIVE PLAN PUBLIC HEARINGS:**

8. Resolution Adopting the Tulsa Zoo Master Plan as part of the Comprehensive Plan for the City of Tulsa, Resolution No. 2633:905

#### **PUBLIC HEARINGS:**

- 9. <u>Sunset Hills Preliminary Plat, Location</u>: South of East 41<sup>st</sup> Street South, West of South 177<sup>th</sup> East Avenue, (9426) (CD 6)
- 10. <u>Yale Village</u> Preliminary Plat, Location: Southwest corner of 91<sup>st</sup> Street and Yale Avenue, (8323) (CD 8) (Related to Items 11 and 12)
- 11. <u>PUD-275 Sack & Associates, Inc./Mark Capron</u>, Location: Southwest corner of East 91<sup>st</sup> Street South and South Yale Avenue, Requesting Detail Site Plan for a commercial shopping center in Development Area A, CS/RM-2/RM-0/PUD-275, (CD-8) (Related to Items 10 and 12)
- 12. <u>Yale Village</u> Authorization for Release of Accelerated Building Permit, Location: Southwest corner of 91<sup>st</sup> Street and Yale Avenue, (8323) (CD 8) (Related to Items 10 and 11)
- 13. <u>Meadowbrook Chase</u> Authorization for Release of Accelerated Building Permit, Location: North of Northeast corner of 81<sup>st</sup> Street South and South Mingo Road (8407) (CD 7) (Related to Item 3)
- 14. <u>CZ-418 Randy Frailey</u>, Location: North of northwest corner of North Peoria Avenue and East 66<sup>th</sup> Street North, Requesting rezoning from **RS to IL**, (County)

#### FORM-BASED CODE REGULATING PLAN PUBLIC HEARING:

15. Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma. (Continued from 4/4/12, 6/6/12, and 8/1/12)

#### OTHER BUSINESS

16. Consider Proposed 2013 TMAPC Meeting Dates

#### 17. Commissioners' Comments

#### **ADJOURN**

#### CD = Council District

NOTE: 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 <u>cell phones</u> and <u>pagers</u> must be turned off during the Planning Commission.

### Visit our website at www.tmapc.org

**TMAPC Mission Statement:** 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 RECEIPTS Month of July 2012

	Current Period			Year To Date					
ZONING	ITEM	CITY	COUNTY	TOTAL RECEIVED	ITEM	CITY	COUNTY	TOTAL RECEIVED	
Zoning Letters	4	\$25.00	\$25.00	\$50.00	4	\$25.00	\$25.00	\$50.00	
Zoning	3	1,380.00	1,380.00	2,760.00	3	1,380.00	1,380.00	2,760.00	
PUDs & Plan Reviews	33	2,237.50	2,237.50	4,475.00	33	2,237.50	2,237.50	4,475.00	
Refunds		(200.00)	(200.00)	(400.00)	0	(200.00)	(200.00)	(400.00)	
Fees Waived		0.00	0.00	0.00	0	0.00	0.00	0.00	
		<u>\$3,442.50</u>	\$3,442.50	<u>\$6,885.00</u>		<u>\$3,442.50</u>	\$3,442.50	<u>\$6,885.00</u>	
LAND DIVISION									
Minor Subdivisions	2	\$325.00	\$325.00	\$650.00	2	\$325.00	\$325.00	\$650.00	
Preliminary Plats	3	1,525.00	1,525.00	3,050.00	3	1525.00	1525.00	3050.00	
Final Plats	3	1,220.00	1,220.00	2,440.00	3	1,220.00	1,220.00	2,440.00	
Plat Waivers	0	0.00	0.00	0.00	0	0.00	0.00	0.00	
Lot Splits	8	400.00	400.00	800.00	8	400.00	400.00	800.00	
Lot Combinations	8	400.00	400.00	800.00	8	400.00	400.00	800.00	
Access Changes	0	0.00	0.00	0.00	0	0.00	0.00	0.00	
Other		100.00	100.00	200.00	0	100.00	100.00	200.00	
Refunds			0.00	0.00	0	0.00	0.00	0.00	
Fees Waived		0.00	0.00	0.00	0	0.00	0.00	0.00	
		<u>\$3,970.00</u>	<u>\$3,970.00</u>	<u>\$7,940.00</u>		<u>\$3,970.00</u>	\$3,970.00	<u>\$7,940.00</u>	
BOARDS OF ADJUSTME	ENT								
Fees	21	\$6,300.00	\$900.00	\$7,200.00	0	\$6,300.00	\$900.00	\$7,200.00	
Refunds		(400.00)		(400.00)	0	(400.00)	0.00	(400.00)	
NSF Check		•	0.00	0.00	0	0.00	0.00	0.00	
Fees Waived		\$0.00	\$0.00	\$0.00		0.00	0.00	0.00	
		\$5,900.00	\$900.00	\$6,800.00		\$5,900.00	\$900.00	<u>\$6,800.00</u>	
TOTAL		\$13,312.50	\$8,312.50	\$21,625.00		\$13,312.50	\$8,312.50	\$21,625.00	
LESS WAIVED FEES *		(\$761.25)		(\$761.25)		(\$761.25)		(\$761.25)	
GRAND TOTALS		\$12,551.25	\$8,312.50	\$20,863.75		\$12,551.25	\$8,312.50	\$20,863.75	

<sup>\*</sup> Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers for Tulsa Development Authority, Tulsa Airport Authority, Pearl District Form Based Code & Reinstating Previous Zoning of Recently Annexed Territory

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#### STAFF RECOMMENDATION

#### PUD-747-A

**Detailed Site Plan** – Lot-1, Block-1 Tuscana on Yale, North of the Northeast Corner of E. 91<sup>st</sup> Street South at Yale Ave. TRS 18-13-15; CZM 53; Atlas 1737: CD 8;

#### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for a new Restaurant located in Development Area B PUD-747-A. The proposed use, Eating Establishments other than Drive-Ins (Use Unit 12), is a permissible use within this Planned Unit Development. The planned unit development was approved by the Tulsa Metropolitan Area Planning Commission in February 2009 and City Council in July 2009. This site has not been previously developed.

#### PERMITTED USES:

The Site Plan provided as an attachment to this staff report illustrates a new single story restaurant site which is permitted by right in the Planned Unit Development. The Planned Unit Development allows uses permitted by right in CS, Commercial Shopping Districts under the Tulsa Zoning Code and uses customarily accessory to permitted principal uses.

#### **DIMENSIONAL REQUIREMENTS:**

The Site Plan provided is smaller than the all maximum building area allowed, is further from the street than defined in the minimum building setback lines established and is shorter than building height restrictions defined in the approved PUD.

#### **OFF-STREET PARKING:**

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

#### LIGHTING:

Proposed Site lighting is 18' or less in height and meets the minimum requirements defined in the Planned Unit Development. The Kennebunk formula was not provided as required in the PUD however a photometric plan has been provided that illustrates a more accurate representation of the lighting system.

#### SIGNAGE:

The site plan illustrates location appropriately for site plan review. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the PUD section of the zoning code. The trash screening enclosure is masonry and exceeds the minimum standards defined in the PUD.

#### PEDESTRIAN ACCESS AND CIRCULATION:

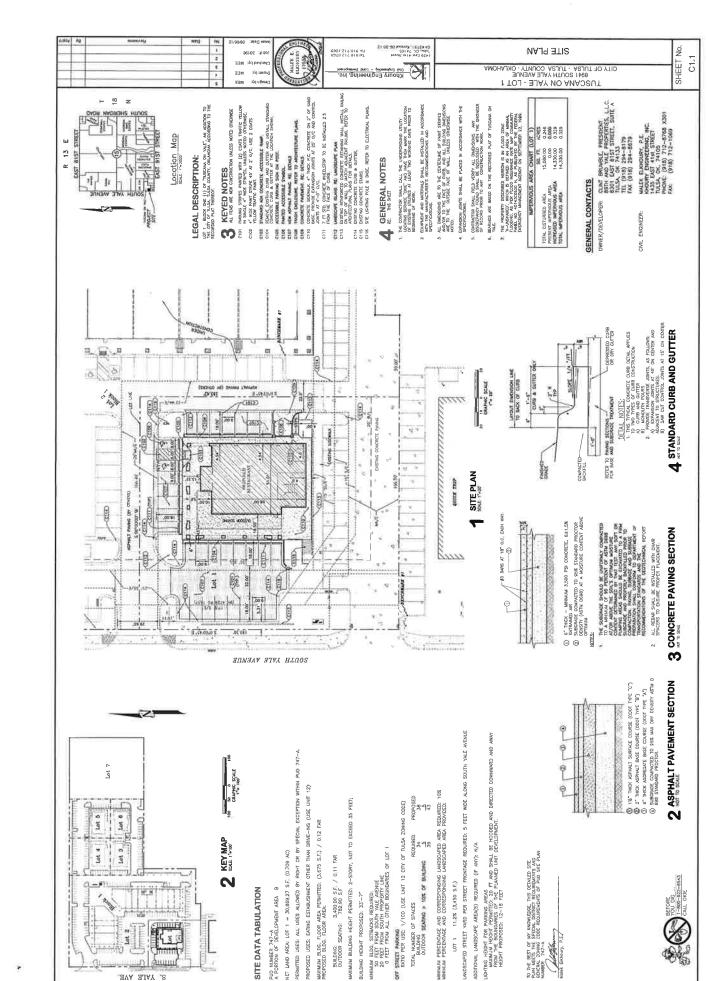
Existing sidewalks are in place along S. Yale Avenue. Appropriate sidewalk plans have been provided on the site plan.

#### SUMMARY:

Staff has reviewed applicants submittal of the Site Plan as it relates to the approved PUD 747-A. The applicant site plan submittal meets or exceeds the minimum requirements of the PUD.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed restaurant site on Lot-1 Block 1 of Tuscana on Yale.

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



S. YALE AVE.

A301

1 NORTH ELEVATION

5,25,2012 SHEET NAME: ELEVATIONS SHEEF #;

PROJECT # 10134 89th & Yale Ave. Tulsa, OK

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27-7 OFFISH BO. M.

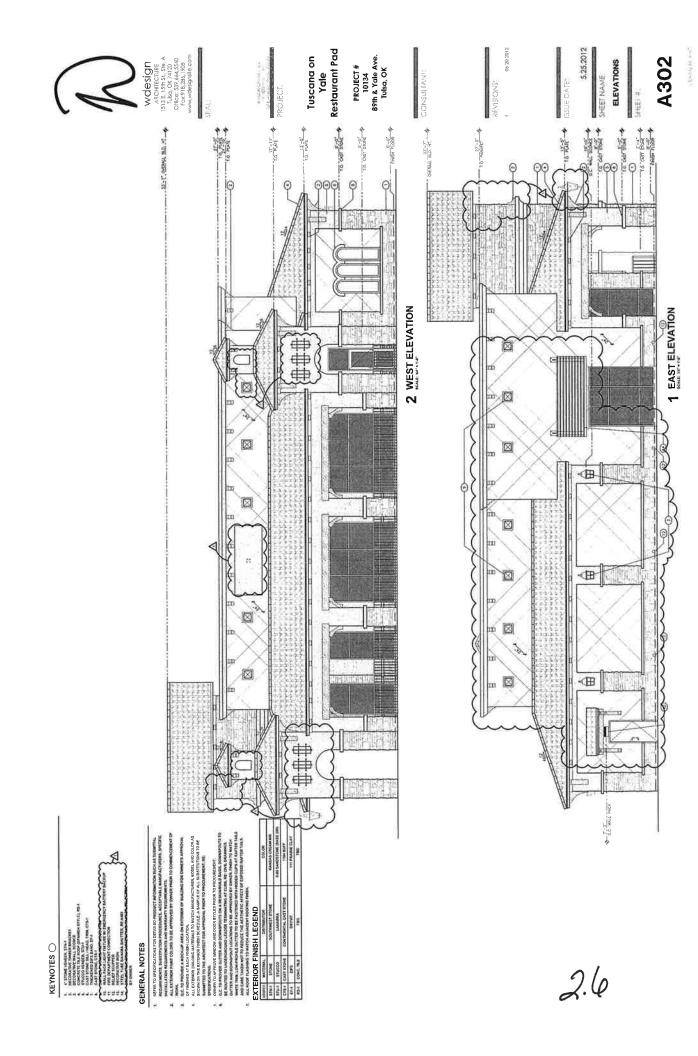
Tuscana on Yale Restaurant Pad

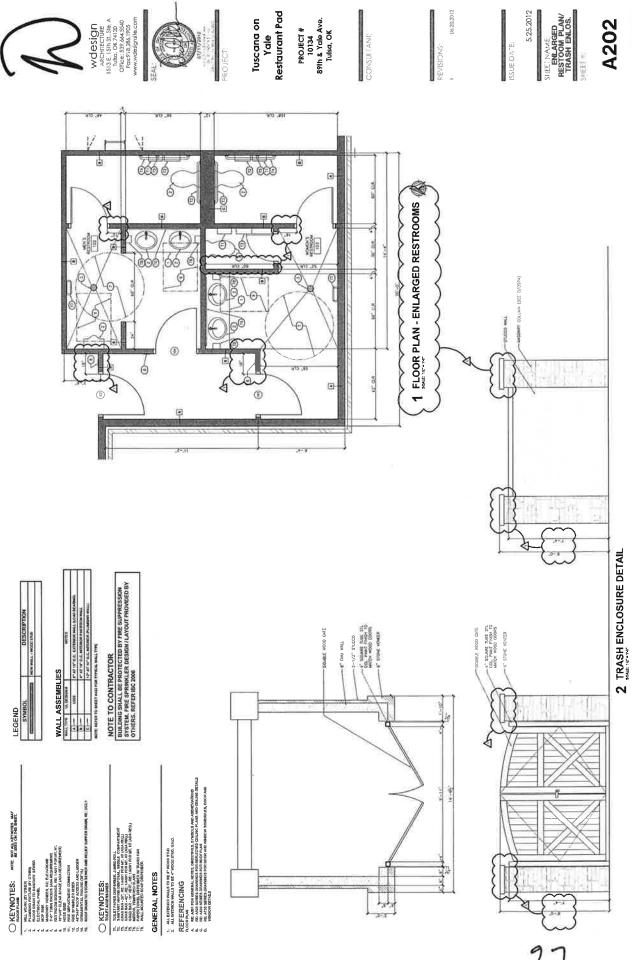
2 SOUTH ELEVATION

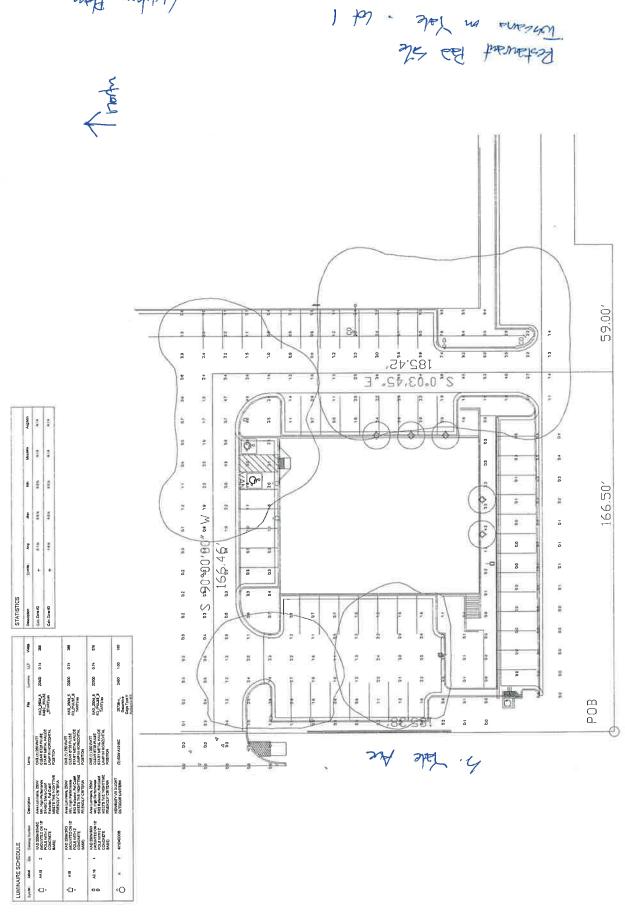
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GENERAL NOTES

KEYNOTES (







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#### STAFF RECOMMENDATION

#### PUD-531

**Detailed Site Plan** – Part of Government Lot-4, TRS 18-14-07, being platted as Meadowbrook Chase. North of the Northeast Corner of E. 81<sup>st</sup> Street South at South Mingo.; CZM 54; Atlas 1413: CD 7;

#### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for a 286-unit, two- and three-story apartment. The site plan also illustrates a leasing office / club house and swimming pool. The proposed use, Multifamily & Similar Uses (Use Unit 8), is a permissible use within Development Area C of this Planned Unit Development. The planned unit development was approved by the Tulsa Metropolitan Area Planning Commission in March 1995 and then the City Council in April 1995. This site has not been previously developed. A subdivision plat is required and currently being routed through the Plat process.

#### **PERMITTED USES:**

The Site Plan provided as an attachment to this staff report illustrates a new apartment project named Cascata which is permitted by right in this Planned Unit Development.

The Planned Unit Development allows all uses permitted by right in CS, Commercial Shopping Districts under the Tulsa Zoning Code and uses customarily accessory to permitted principal uses.

#### **DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building floor area, density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this plan.

#### OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

The site will be a gated property for added security for its residence. The Gated Entry system has been approved by the City of Tulsa Traffic Engineering staff and the Fire Marshalls office.

#### LIGHTING:

As required in the PUD, parking lot lighting will be directed down and away from adjoining properties. All lighting will mounted below the 24' maximum height limitation permitted in the PUD. The photometric plan provides data that illustrates the lighting concept with no spillage onto adjacent properties.

#### SIGNAGE:

The site plan illustrates location appropriately for site plan review. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the PUD section of the Zoning Code. The trash screening enclosure meets the minimum standards defined in the PUD.

#### PEDESTRIAN ACCESS AND CIRCULATION:

Existing sidewalks are in place along East 79<sup>th</sup> Street South. Appropriate sidewalk plans have been provided on the site plan.

#### MISCELLANEOUS SITE CONSIDERATIONS:

The site is a gently sloping toward the north. Staff has been provided a site grading plan that is part of the IDP plans submitted to the City of Tulsa Development Services. There are no areas of concern regarding adjacent property and its relationship to the grading plan.

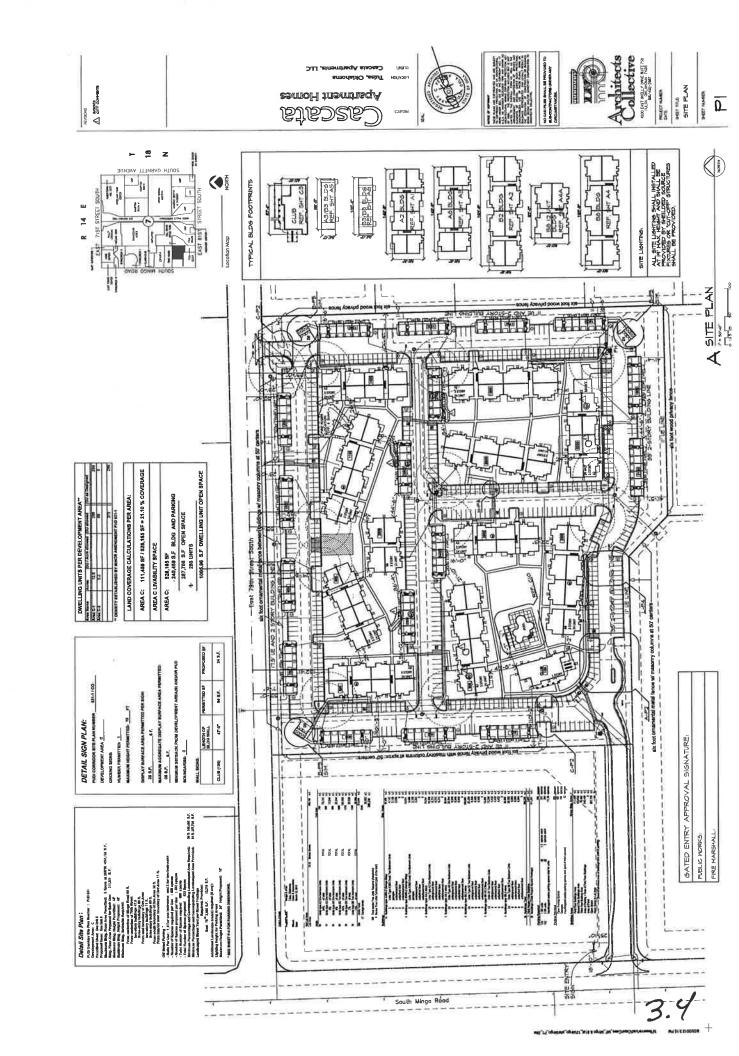
There are no single family residential properties adjacent to this site plan.

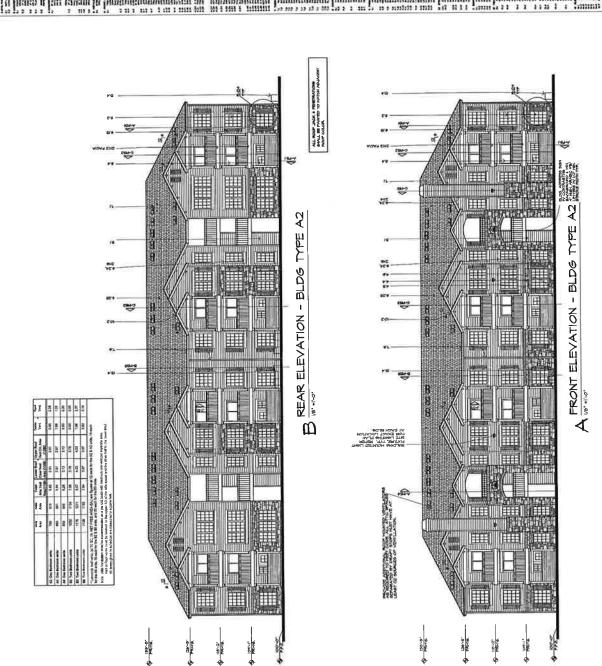
#### SUMMARY:

Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved PUD 531. The applicant site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD-531 and the stated purposes of the PUD chapter of the Zoning Code.

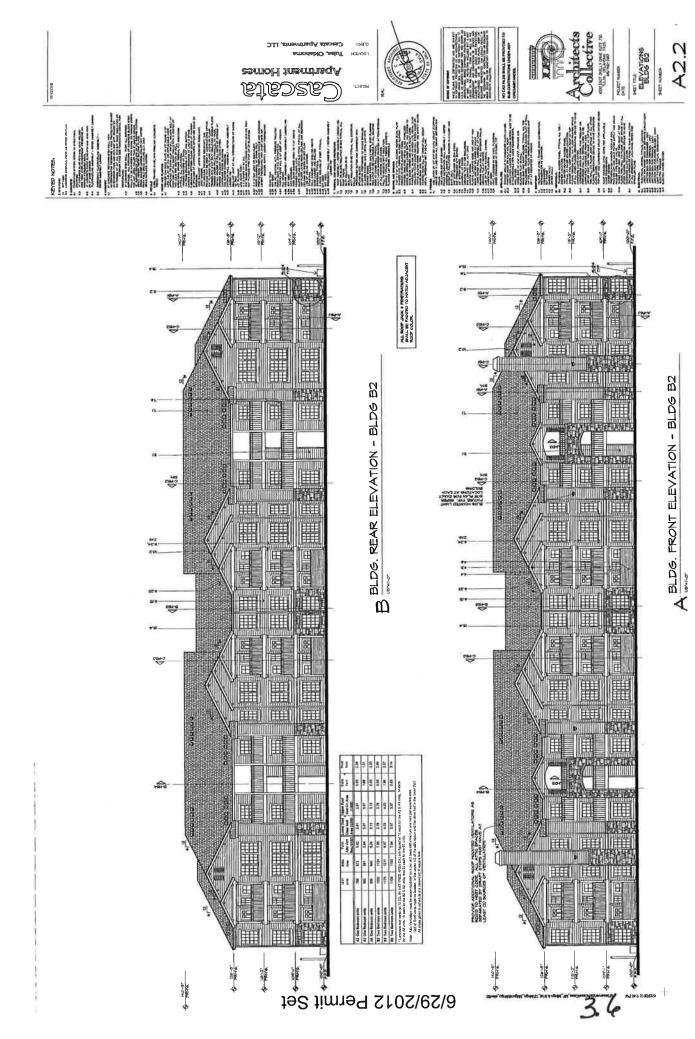
Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new apartment project.

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



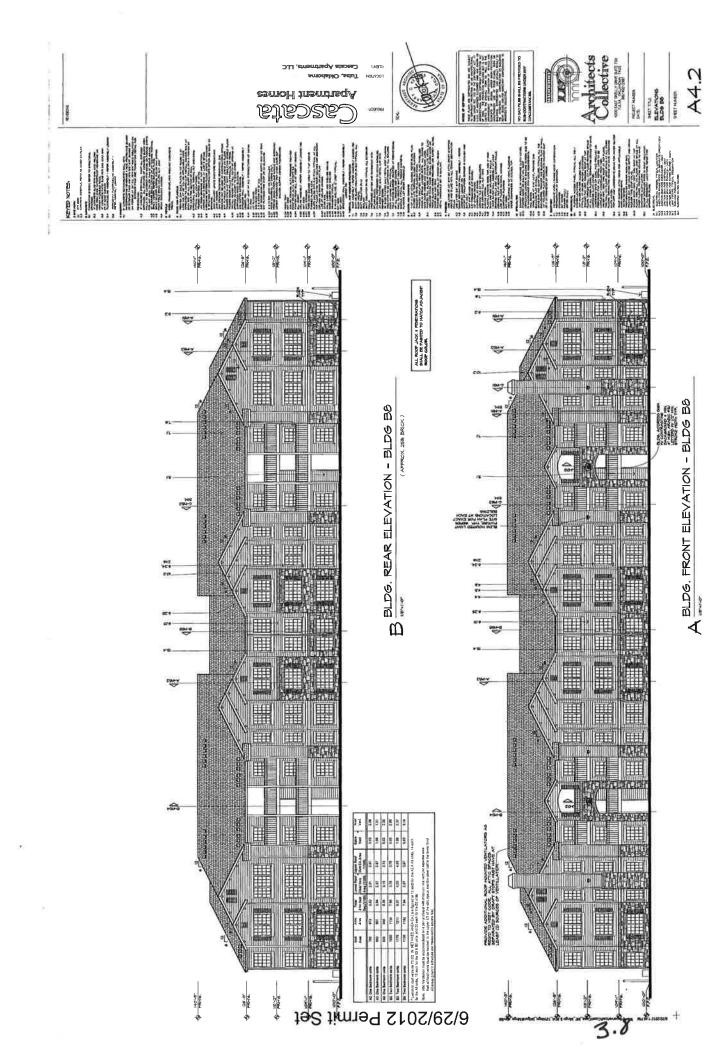


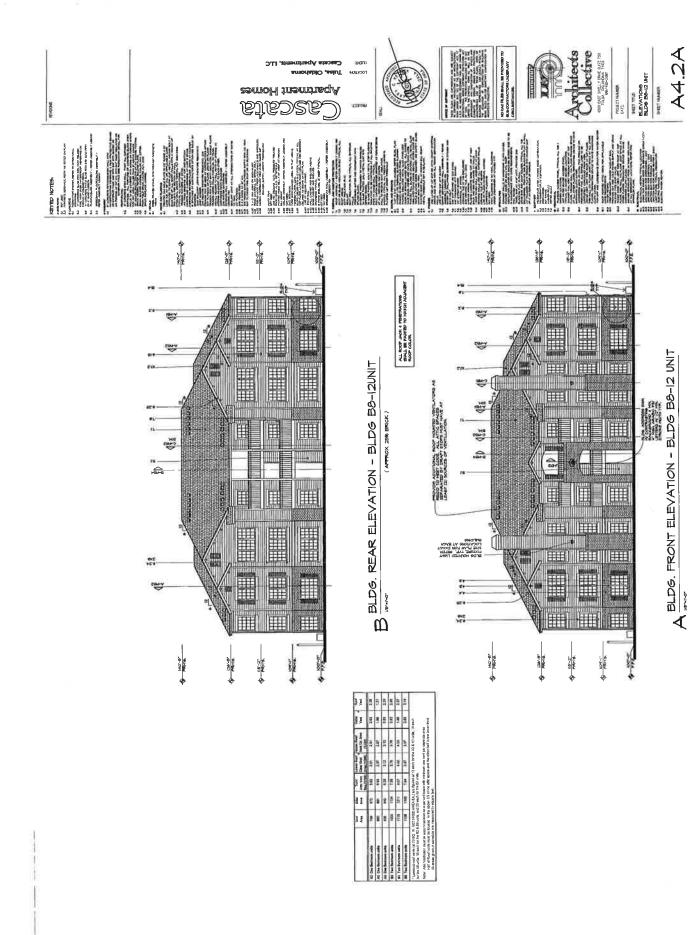




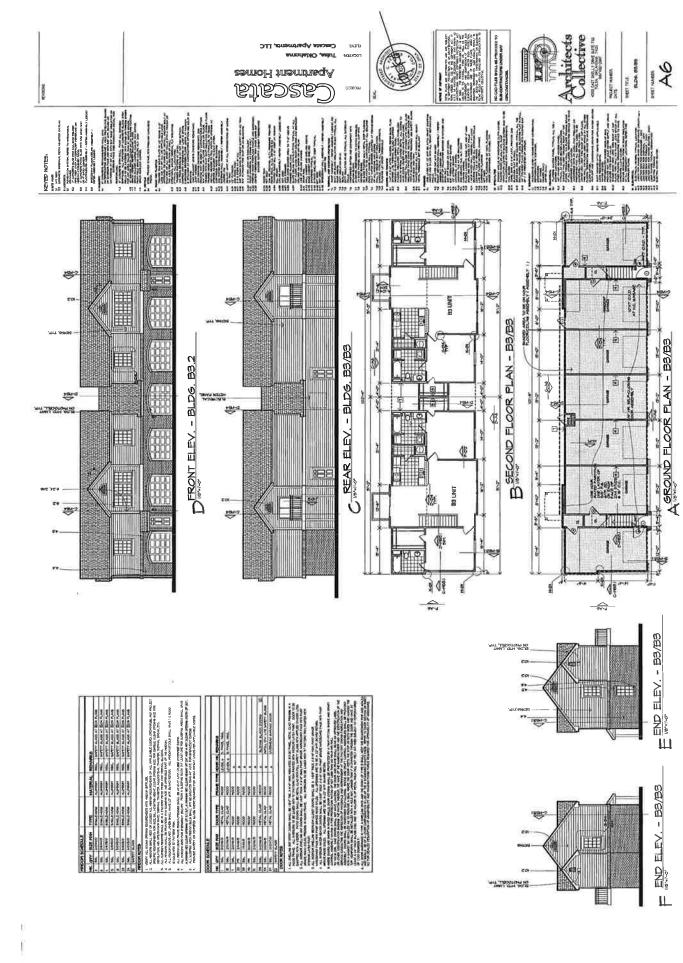
Apartment Homes

A.





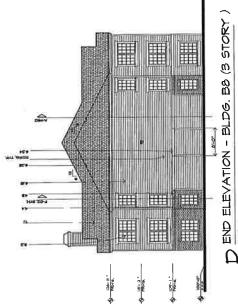
5/29/2012 Permit Set

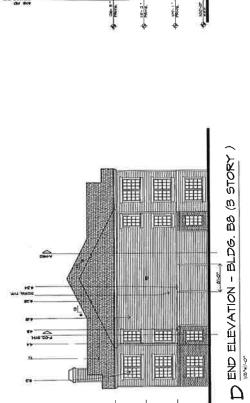


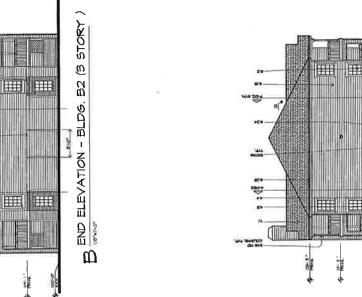
PRINTS.

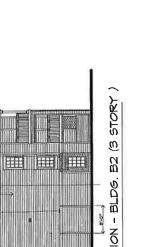
10'-2"

100'-0"











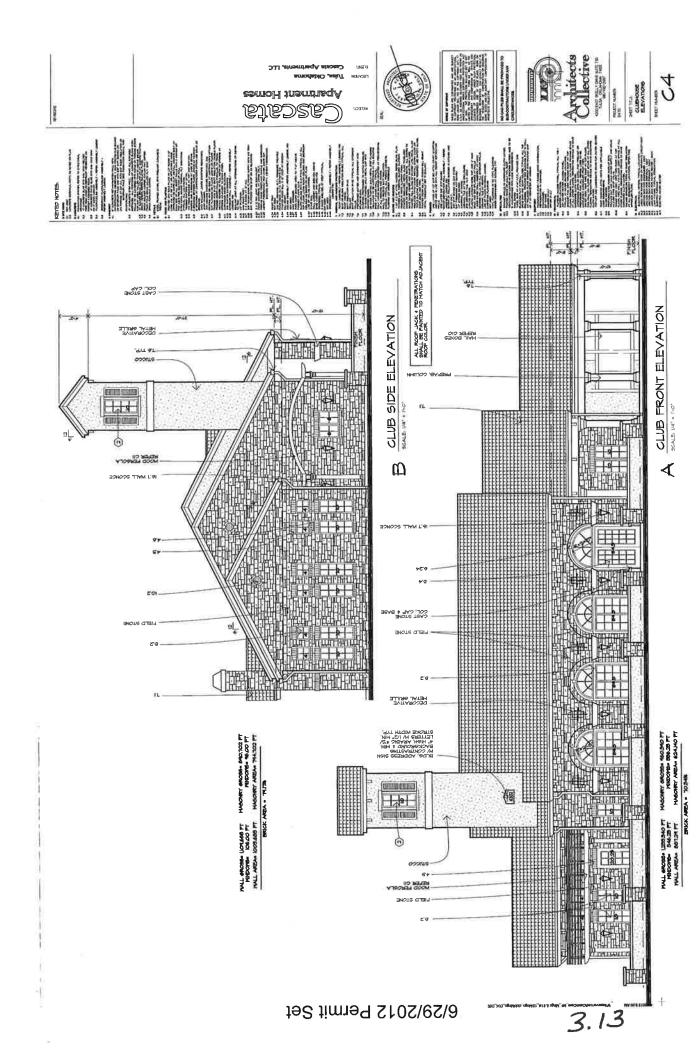


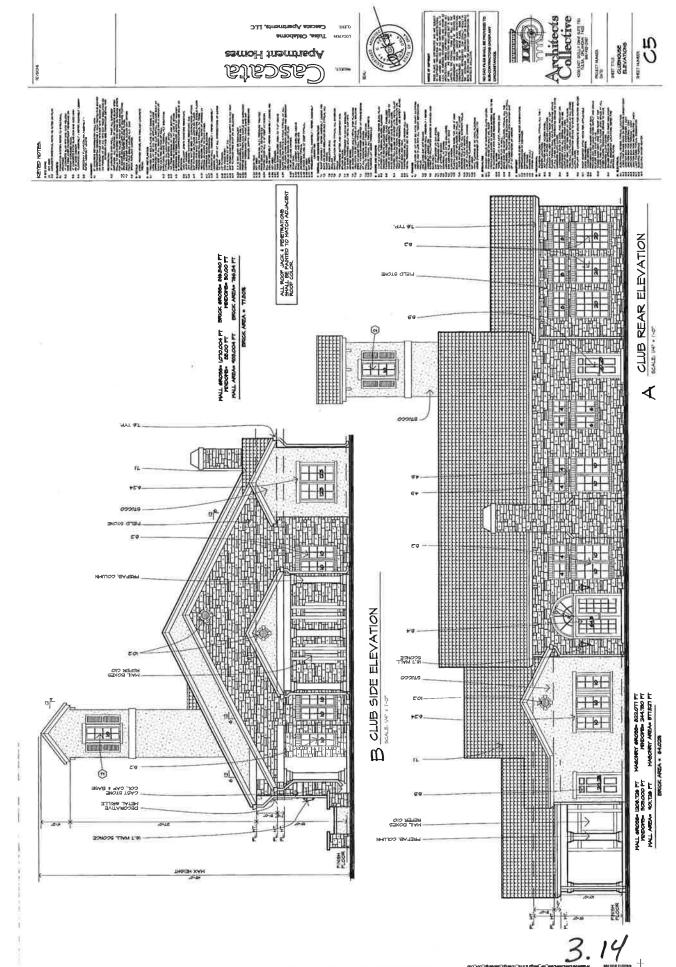




A BIND ELEVATION - BLDG. A2 (3 STORY)

C DESTRUCTION - BLDG. AB (3 STORY)





192 Jimn99 2102/82/8

CASCATA

192 Jimn99 2102/82/9

3.15

Architects Collective > MPW

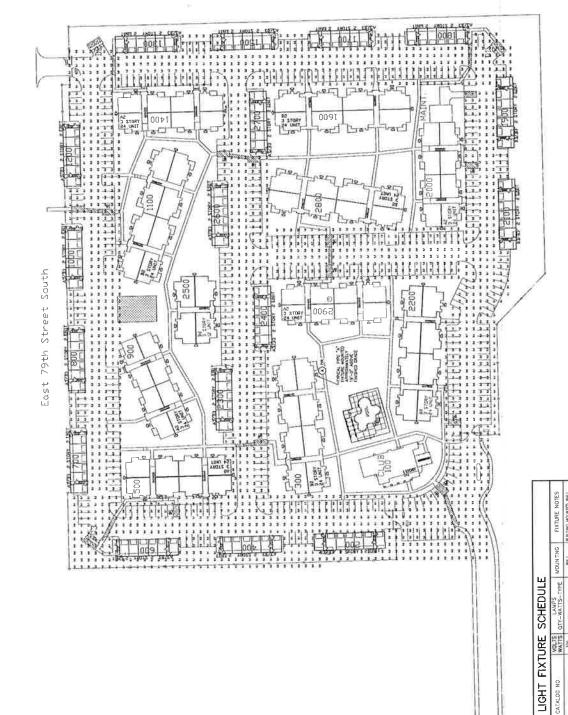
Apartment Homes we Cascata





Photometric Site Plan

(1) Photometric Site Plan



South Mingo Road

3.16

MANUFACTURER

0 0



### FEATURES & SPECIFICATIONS

#### INTENDED USE

Ideal for mounting above entryways and loading docks.

Rugged, corrosion-resistant die-cast aluminum back housing and hinged door frame. Castings are sealed with a one-piece gasket to inhibit the entrance of external contaminants. Finish is bronze polyester powder

#### OPTICS

Refractor Is prismatic borosilicate glass. Reflector Is die-formed anodized stippled aluminum. Medium-base lamp included in carton.

HID: Ballast is high-reactance, high-power-factor for 70-150W. Ballast is 100% factory-tested. Compact fluorescent: Electronic, high-frequency, multi-volt ballast.

Socket: Medium base socket, nickel-plated screw shell and center contact.

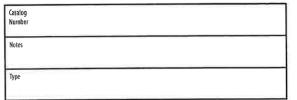
#### INSTALLATION

Housing is configured for mounting directly over a standard 4" outlet box or for surface wiring via any of three convenient 3/4" threaded condult entry hubs.

UL Listed to US and Canadian safety standards (see Options). Suitable for wet locations (25°C maximum ambient temperature).

Specifications subject to change without notice.

ORDERINGINFORMATION

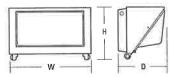




**Wall Packs** 

## TWR1

METAL HALIDE: 70-175W HIGH PRESSURE SODIUM: 70-150W COMPACT FLUORESCENT: 2/42W



Specifications

Height: 9 (22.9)

Width: 13 (33.0)

Depth: 7-3/8 (18.8) \*Weight: 16.45 lbs/7.46kg

All dimensions shown in inches (centimeters) unless otherwise noted. \*Weight as configured in example below.

Example: TWR1 70M 120/347 LPI CSA

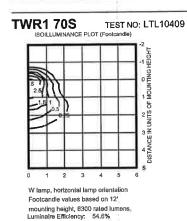
Catalog Number	Wattage	Voltage	Photocell included	Lamp included	Available In Canada	
Metal halide	With Edwinson	All regression		Walling Hill		
TWR1 70M 120/347 LPLCSA	70	120/347	N	Y	Y	
TWR1 70M TB:LPI	70	120/208/240/277	N	Y	N	
TWR1 100M 120/347 LPI CSA	100	120/347	N	Y	Y	
TWR1 100MTB LPI	100	120/208/240/277	N	Ý	N	
TWR1 150M 120 PELPI	150	120	Y	Y	Y	
TWR1 150M 277 PE LPI	150	277	Y	Y	Y	
TWR1 150MTB LPI	150	120/208/240/277	N	Y	N	
TWR1 175M 120/347 LPI CSA	175	120/347	N	Y	Y	
High pressure sodium			4 19 Vs. 13	STATE OF	AND TO SERVICE STREET	AND THE RESERVE AND THE PARTY AND THE PARTY AND A SECOND AND ASSESSED.
TWR1 70S 120/347 LPI CSA	70	120/347	N.	Υ	Y	
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TWR1 100S TB LPI	100	120/208/240/277	N.	Y	N	
TWR1 150S 120/347 LPI CSA	150	120/347	N	Y	Y	
TWR1 1505 TB LPI	150	120/208/240/277	NN	Y	N	
Compact fluorescent	Maria Visi				and the state of the	
TWR1 2/42TRT 120 PE LPI	2/42	120/208/240/277	Y	Y	Y	
TWR1 2/42TRT MVOLT LPI	2/42	120/208/240/277	N	Y	Ÿ	

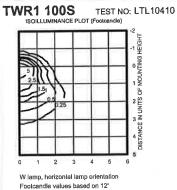
Accessories: Order as separate catalog number. Shipped separately TWR1WG U Wireguard

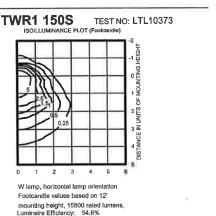
OUTDOOR

TWR1-M-S-CFL

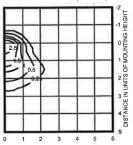
## TWR1 High Pressure Sodium/Metal Halide/Compact Fluorescent Wall Pack





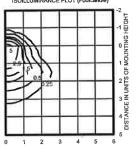


TWR1 70M TEST NO: LTL10412 ISOILLUMINANCE PLOT (Footcandle)

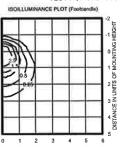


W lamp, horizontal lamp orientation Footcandle values based on 12' mounting height, 5200 rated lumens, Luminaire Efficiency: 55,0% TWR1 100M TEST NO: LTL10413 ISOILLUMINANCE PLOT (Foolcandle)

mounting height, 9500 rated lumens, Luminaire Efficiency: 64,6%



W lamp, horizontal lamp orientation Footcandle values based on 12° mounting height, 8500 rated lumens, Luminaire Efficiency: 55,0% TWR1 2/42TRT
MVOLT TEST NO: LTL13636



W temp, horizontal lamp orientation Footcandle values based on 12' mounting height, 3200 rated lumens. Luminaire Efficiency: 48.3%

LITHONIA LIGHTING

TWR1-M-\$-CFL

An**≪Aculty**Brands Company

OUTDOOR: One Lithonia Way Conyers, 6A 30012 Phone: 770.922.9000 Fax: 770-918-1209 www.lithonia.com ©:2000-2010 Aculty Brands Lighting, Inc. All rights reserved. Rev. 10/25/10



#### STAFF RECOMMENDATION

#### **PUD-663**

**Detailed Site Plan** – Lot-1, Block-1 "Academy Sports and Outoors-81<sup>st</sup> Street" North of the Northeast Corner of E. 81<sup>st</sup> Street South at highway 169. TRS 8407; CZM 54; Atlas 1413: CD 7;

#### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for Tulsa General Veterinary Hospital. The site is a 1.54 acre site and inside development area "Tract 3" in PUD 663. The building is a one story structure with 6,000 square feet of floor area. The Veterinary Hospital is classified as a Use Unit 14 by the Tulsa Zoning Code.

#### **PERMITTED USES:**

The Site Plan provided by the applicant illustrates a new Veterinary Hospital with a covered dog run attached to the building which is permitted by right in this Planned Unit Development. Exterior dog runs are not allowed in this district. Staff opinion regarding this element of the project is that the dog run is an integral part of the architectural style of the building. In this instance the area which is covered by a roof and enclosed with a privacy wall / fence is not considered an "exterior" dog run.

The Planned Unit Development allows "those uses included within Use Unit 14, Shopping Goods and Services".

#### **DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building floor area, density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this plan.

### OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

#### LIGHTING:

As required in the PUD, "lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing in

properties abutting the PUD. No light standard nor building mounted light shall exceed 40 feet in height".

#### SIGNAGE:

The site plan illustrates location appropriately for site plan review. A license agreement will be required by the City of Tulsa to allow the monument sign to be placed in an easement area. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the PUD section of the Zoning Code.

The trash screening enclosure meets the minimum standards defined in the PUD.

#### PEDESTRIAN ACCESS AND CIRCULATION:

A sidewalk will be installed along the west side of South 107<sup>th</sup> East Avenue. Appropriate internal sidewalk plans have been provided on the site plan.

#### SUMMARY:

Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved planned unit development. The applicant site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD-663 and the stated purposes of the PUD chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new veterinary hospital.

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

Detailed Site Plan
PUD 663/Corridor Site Plan # Z-6327-SP-2

## Tulsa General Veterinary Hospital

Part of Lot 1, Block 1, "Academy Sports and Outdoors - 81st Street" 7890 South 107th East Avenue

An addition to the City of Tulsa, being a part of the SW/4 of the SE/4 of Section 7, Township 18 North, Range 14 East, of the Indian Meridian, Tulsa County, State of Oklahoma

#### OWNER / DEVELOPER

Zano Capital Holdings, L.L.C.

5015 East 9615 Stored
Tulsa, Oklahoma 74137
Contact: Bob Wright
Phone: 918 606 8233

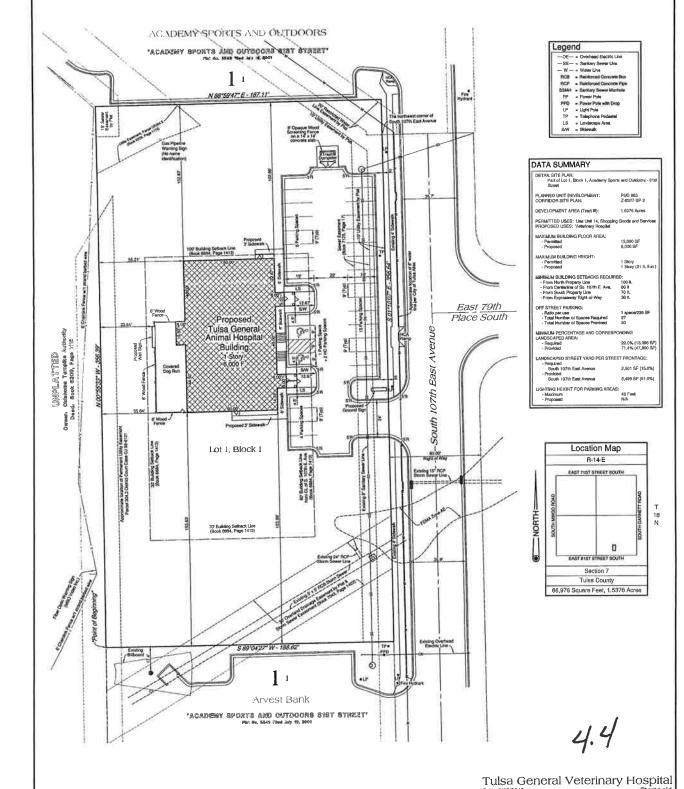


#### ENGINEER / SURVEYOR

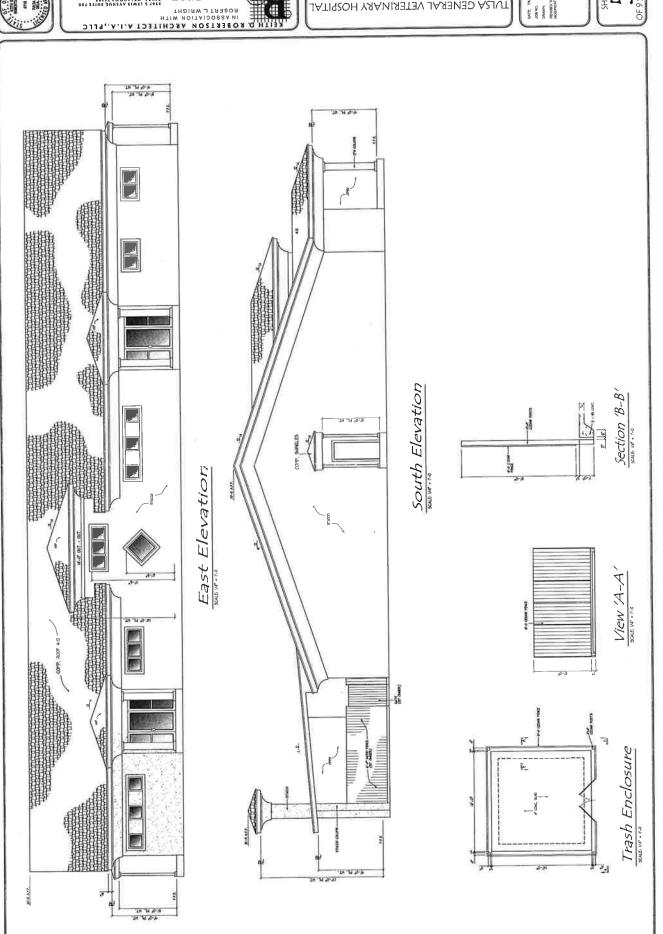
Tulsa Engineering & Planning Associates, Inc.

6737 Souli 65th East Avenue
Tulsa, Oklahoma 74133
19182 9621

jpalmurphy@tulsaengineering.com CERTIFICATE OF AUTHORIZATION NO. 831 RENEWAL DATE: JUNE 30, 2013



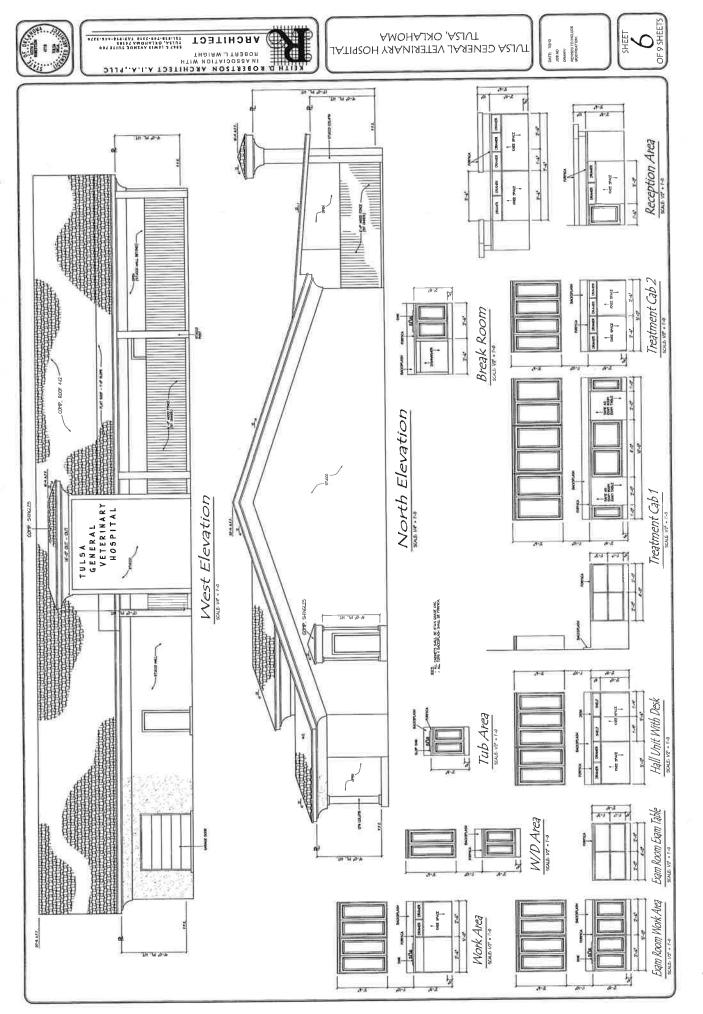
3/2012 Sheet 1 of 1

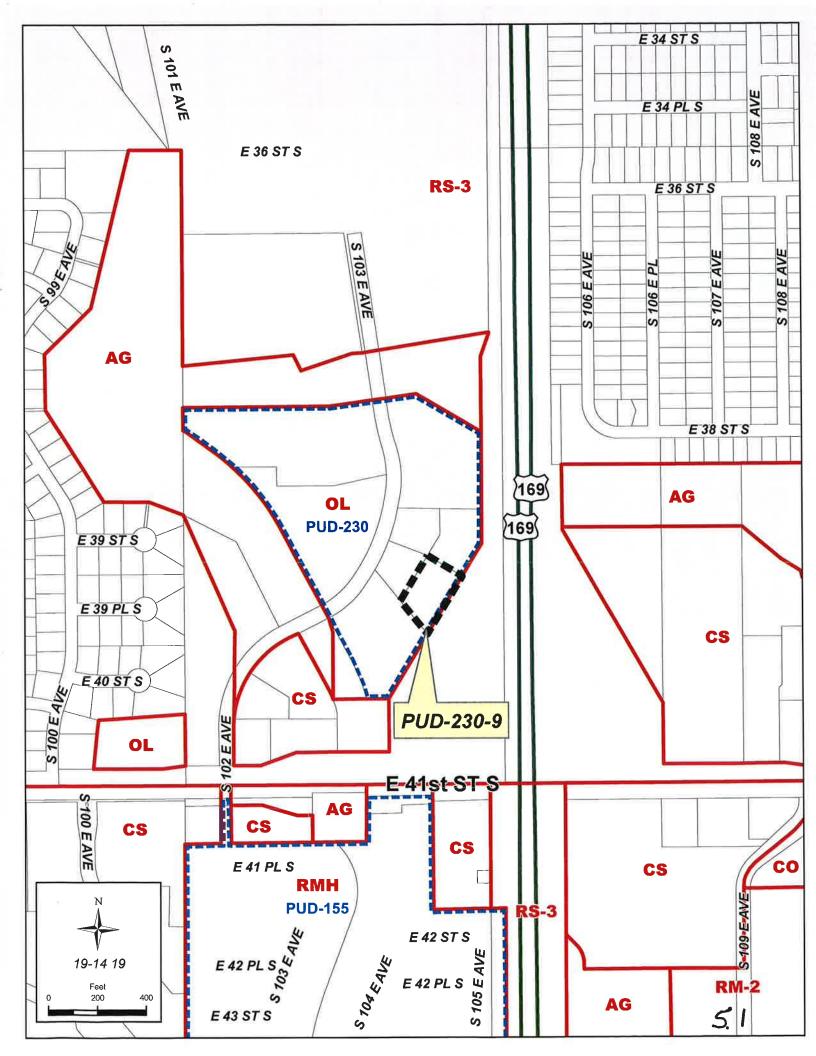


DATE: 72/12
JOB NO.
DRAWN:
FENSED TO SQLIDE
MODIFICATION:

TVLSA GENERAL VETERINARY HOSPITAL TVLSA, OKLAHOMA

ARCHITECT TELESTB-749-2310 FANISTB-446-20776







### STAFF RECOMMENDATION

PUD 230-9:

Minor Amendment – North of the northwest corner of East 41<sup>st</sup> Street South and Highway 169; TRS 19-14-14; CZM 49; Atlas 646; CD 7.

The applicant is requesting a minor amendment to increase the size and height of the ground signs allowed in the original PUD 230. The sign standard approved in the original PUD for this development area is as follows.

Item 3.h

"That one (1) ground identification sign be permitted not to exceed four (4) feet in height or 32 square feet of display surface area.

Over the last several years eight previous amendments to the PUD have been approved. Many of those approvals have been to modify the sign standards, including the most recent monument sign constructed by Rowland Group just north of this property.

When the original PUD was prepared and approved in 1980 the intent was to provide few large lots on an 18 acres site for large construction sites. The concept at that time was to allow small signs on the internal collector street for each of the large office type buildings. Over time the continued development of the site has been for smaller lots with smaller footprints especially along highway 169 frontages.

In some instances staff has recommended denial because of the clear intent of the PUD however the planning commission has approved the request for individual signage expansions in minor revisions 230-1,2,4,6, and 7. It is staff opinion, at this point in the development of the property, that the original intent has changed significantly and the planning commission has consistently provided input that a monument style sign is appropriate for this location.

In this instance the applicant is requesting additional display surface area and additional height from the original and amended sign standards in PUD 230. The current display surface area allowed by previous minor amendment #7 is 27.44 square feet and the height is limited to four (4) feet This request still meets the underlying OL Zoning guidelines for business signage along an expressway and is consistent with similar sign projects that have been previously allowed in this PUD.

Therefore, Staff recommends **approval** of one monument sign not exceeding 32 square feet of display surface area and not exceeding 20' in height.

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

### PRELIMINARY SIGN CONCEPT FOR PERMIT REVIEW





9520 E, 55th Place Tulsa, Ok. 74145 (918) 622-0651 • fax(918) 622-0659 CLIENT: MILESTONE PEDIATRIC CARE

LOCATION: 3845 S. 103rd, TULSA OK. DESCRIPTION: MFG. & INSTALL D/F SIGN

SALES REP: BRUCE ANDERSON FILE: 32sqftDF

APPROVED APPROVED AS NOTED

AUTHORIZED STOSATURE

SIGNATURE IS APPROVAL FOR PRODUCTION AS DEPICTED HERE
PRODUCTION WILL NOT BEGIN WITHOUT SIGNED APPROVAL.

DATE: 7/24/2012

SCALE: 3/8"=1'-0"

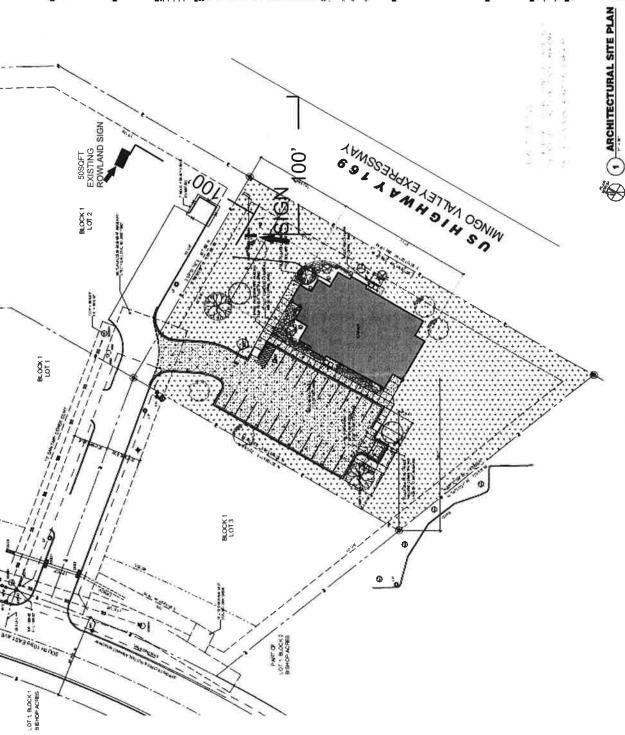
DWG#: 72412-1 W.O.#:

www.amaxsign.com

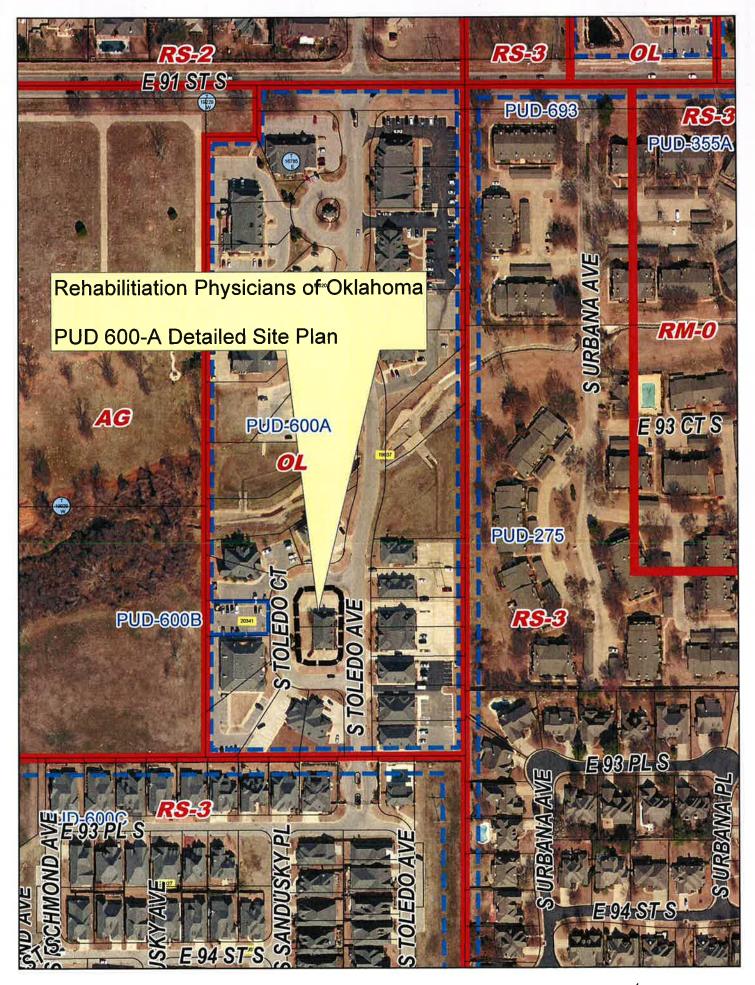








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### STAFF RECOMMENDATION

### PUD-600-A

**Detailed Site Plan** – Lots 9, and 10 of Block 4 Ashton Creek Office Park, TRS 18-13-21, West of the Southwest corner of East 91<sup>st</sup> Street South at South Yale Ave.; CZM 56; Atlas 1909; CD 8:

### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for a building expansion project in Ashton Creek Office Park. This site is surrounding by public streets on all sides. The original building is 2,293 square feet; the expansion area adds 1,664 square feet for a total of 3,957.00 square feet.

### **PERMITTED USES:**

The site plan provided as an attachment to this staff report illustrates an addition to an existing physicians office building which is permitted by right in Development Area A of this Planned Unit Development.

Development Area A of the Planned Unit Development allows all uses permitted by right in the OL zoning district.

### **DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building floor area, building height, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this plan.

### OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code. The unusual circumstance of this site provides required off street parking however, access to the parking area on the west side of the property is from public street right of way. The lot is inside Toledo Court and the effects of backing into traffic way are minimal. This parking arrangement will have the look of on-street parking but all the parking spaces will be on private property. Normally this would not be allowed but in this circumstance staff supports the applicant request.

### LIGHTING:

On this site the PUD requires "all non residential parking lot lighting to be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height". At this time there is no additional lighting proposed for this building expansion.

### SIGNAGE:

There is no new signage proposed for this project. This staff report does not remove the requirement for a separate sign plan review process.

### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the PUD section of the Zoning Code. Trash removal is similar to a residential style no dumpster will be placed on the site.

## PEDESTRIAN ACCESS AND CIRCULATION:

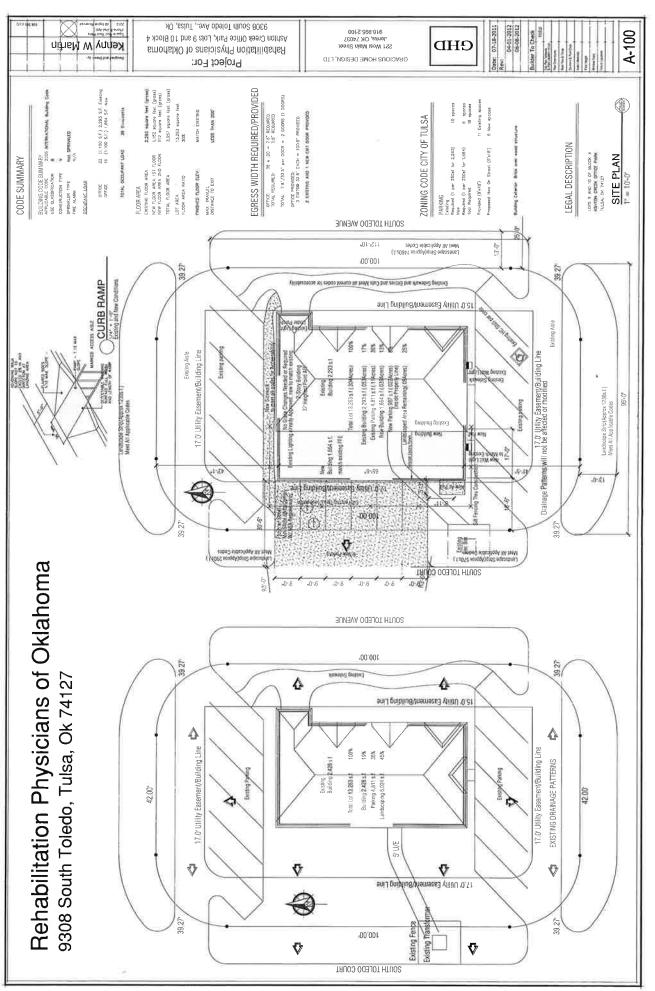
Existing sidewalks are in place South Toledo Avenue. Appropriate sidewalk plans have been provided on the site plan.

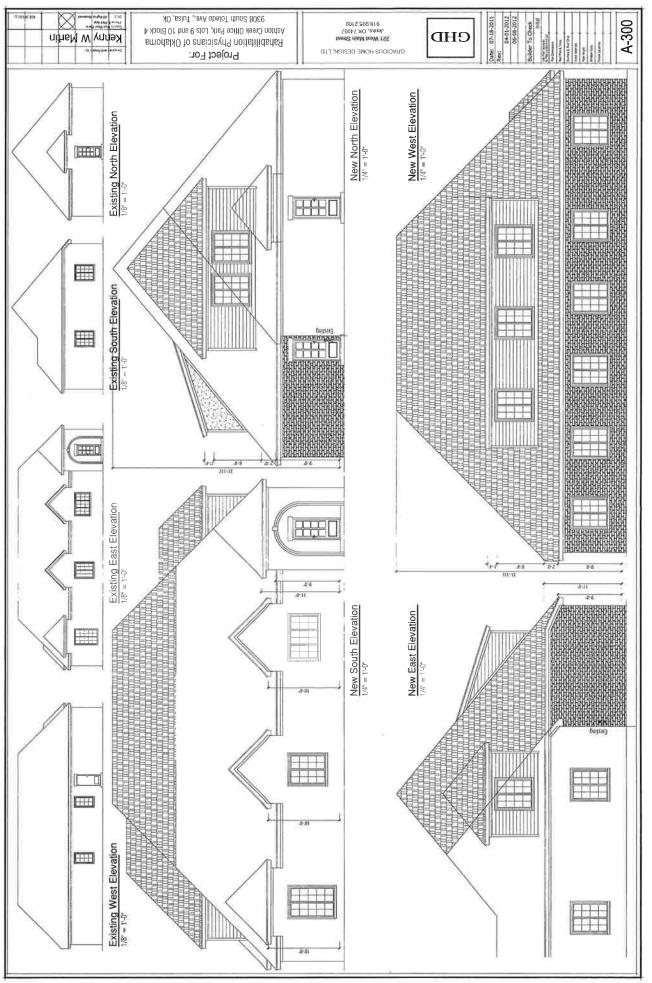
### SUMMARY:

Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved PUD 663. The applicant site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD-663 and the stated purposes of the PUD chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed expansion to the physician's office building.

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







### STAFF RECOMMENDATION

### Z-6344-SP-6

Corridor Detail Site Plan – South 155.0' of Lot 2, Block 1 Fred Lankencamp Addition. South of the southeast corner of E. 61<sup>st</sup> Street South at S. 107<sup>th</sup> East Ave. TRS 18-14-06; CZM 54; Atlas 757; CD 8;

### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for an addition to an existing warehouse area. The proposed use, Warehousing and Wholesaling (Use Unit 123), is a permissible use within this Corridor District. The corridor site plan was originally approved by the Tulsa Metropolitan Area Planning Commission and City Council in August of 1996.

### **PERMITTED USES:**

The Site Plan provided as an attachment to this staff report illustrates a new single story warehouse addition which is permitted by right in the this corridor district.

### **DIMENSIONAL REQUIREMENTS:**

The Site Plan provided is smaller than the all maximum building area allowed, is further from the street than defined in the minimum building setback lines established. There are no building height limitations in this district.

### **OFF-STREET PARKING:**

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

### LIGHTING:

No additional parking lot lighting has been proposed for this expansion. External wall packs will be placed on the building. A lighting plan has been provided illustrating that the lighting will be contained within the property boundary.

### SIGNAGE:

No signage is shown on this expansion plan. This staff report does not remove the requirement for a separate sign plan review process.

### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the Corridor section of the zoning code. The site plan provides adequate detail to assure that the landscape plan can be implemented successfully.

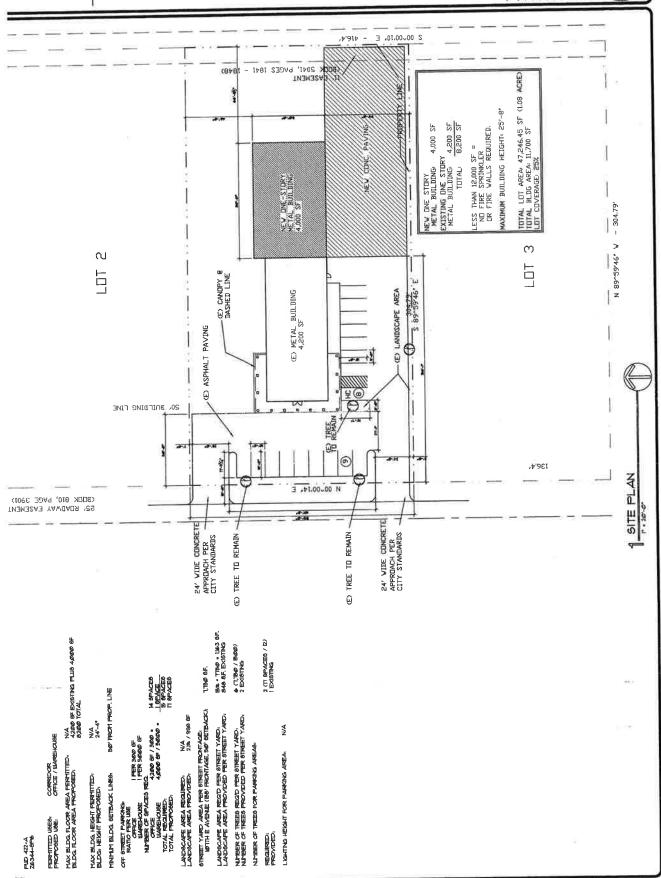
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### **SUMMARY:**

Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved Corridor Plan Z-6344-SP-6. The applicant site plan submittal meets or exceeds the minimum requirements of the Corridor Plan.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed restaurant site on Lot-1 Block 1 of Tuscana on Yale.

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



### RESOLUTION

### TULSA METROPOLITAN AREA PLANNING COMMISSION

### Resolution No. 2633:905

THE TULSA METROPOLITAN AREA RESOLUTION OF PLANNING COMMISSION (TMAPC), PURSUANT TO TITLE 19 863.7; ADOPTING AN SECTION STATUTES, OKLAHOMA AMENDMENT TO THE "COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA", ORIGINALLY ADOPTED ON JUNE 29, 1960 AND AS SUBSEQUENTLY AMENDED; AMENDING THE COMPREHENSIVE PLAN FOR PORTIONS OF METROPOLITAN AREA WITHIN THE INCORPORATED CITY LIMITS OF THE CITY OF TULSA, SITUATED WITHIN TULSA, OSAGE, AND WAGONER COUNTIES, IN THE STATE OF OKLAHOMA; ADOPTING THE "TULSA ZOO MASTER PLAN" AS PART OF THE COMPREHENSIVE PLAN OF THE METROPOLITAN AREA.

WHEREAS, the Tulsa Metropolitan Area Planning Commission ("Planning Commission") is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to insure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

WHEREAS, pursuant to Title 19 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29<sup>th</sup> day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law, which has been subsequently amended; and

WHEREAS, a public hearing was held on the 15<sup>th</sup> of August 2012 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19 Oklahoma Statutes, Section 863.7, to adopt the "Tulsa Zoo Master Plan", as part of the Tulsa Comprehensive Plan of the Tulsa Metropolitan Area, as contained in the attached plan maps and text.

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the Comprehensive Plan of the Tulsa Metropolitan Area, as originally adopted by the Tulsa Metropolitan Area Planning Commission on June 29, 1960 and as amended from time to time, shall be and is hereby amended, regarding portions of the Tulsa metropolitan area within the incorporated city limits of the City of Tulsa, situated within Tulsa, Osage, and Wagoner Counties, to adopt and include the "Tulsa Zoo Master Plan" map and text, as part of the Comprehensive Plan of the Tulsa Metropolitan Area.

Section 2. That a true and correct copy of the "Tulsa Zoo Master Plan" map and text identified in the foregoing Section One is attached to this Resolution and incorporated by reference as if fully written herein.

Section 3. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 4. That upon approval by the Tulsa City Council, or should the City Council fail to act upon this amendment to the Comprehensive Plan of the Tulsa Metropolitan Area within forty-five (45) days of its submission, it shall be approved with the status of an official plan and immediately have full force and effect.

ADOPTED on this 5<sup>th</sup> day of September 2012, by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its *ex officio* members.

	Joshua Walker, Acting Chairman
	Tulsa Metropolitan Area Planning Commission
ATTEST:	

John Dix, Acting Secretary

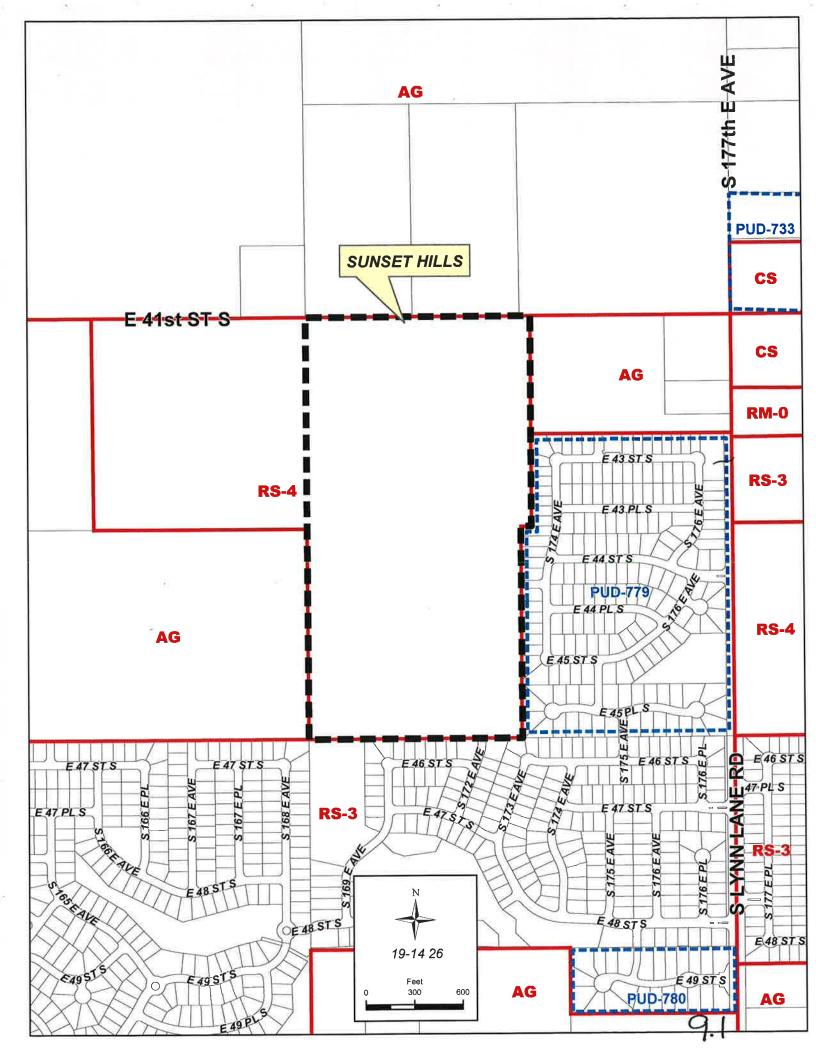
Tulsa Metropolitan Area Planning Commission

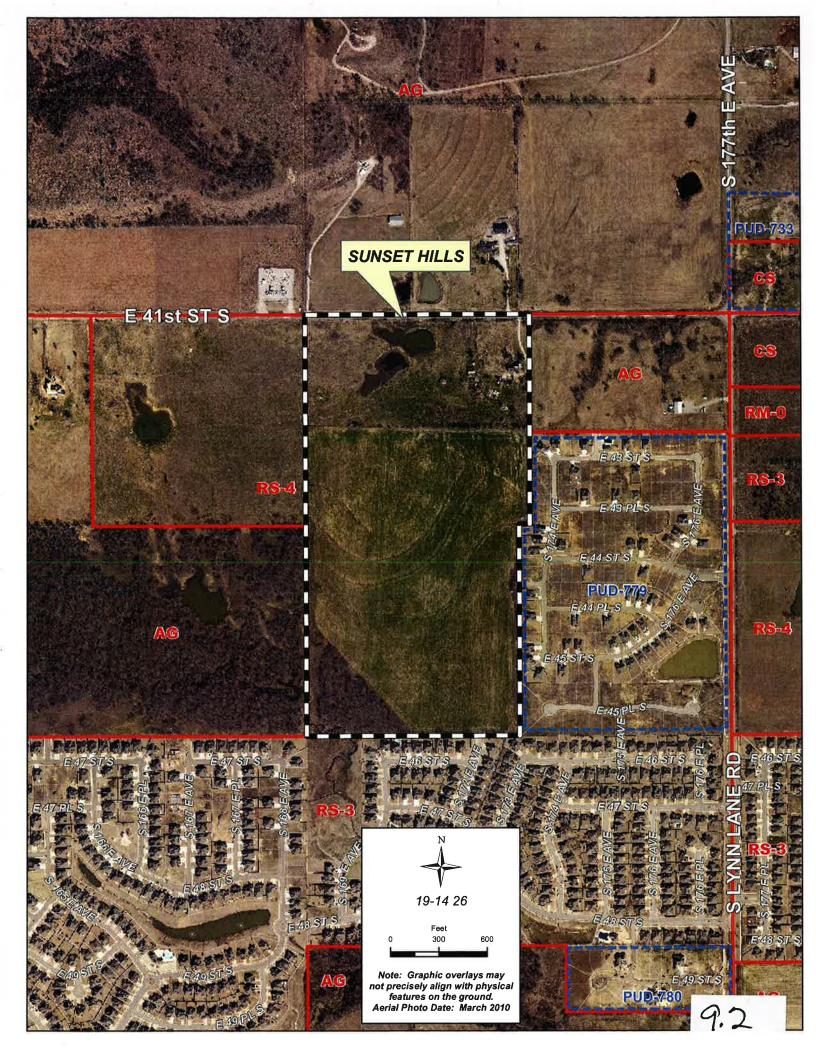
8.2

APPROVAL OF THE	E TULSA CITY COUNCIL
APPROVED by the City Council of day of 2012.	of the City of Tulsa, Oklahoma on this
day 012012.	
APPROVED AS TO FORM:	, Chairman of the City Council
	9
Assistant City Attorney	
	AND CERTIFICATION AREA PLANNING COMMISSION
STATE OF OKLAHOMA )	
COUNTY OF TULSA ) ss.	
To The City Clerk of the City of T	ulsa and the County Clerk of Tulsa County:
Commission, certify on thisday of and the amendments to the Comprehensive to this Resolution are a true and correct of	nan of the Tulsa Metropolitan Area Planning September 2012 that the foregoing Resolution we Plan of the Tulsa Metropolitan Area attached copy of amendments to the Comprehensive Plan oted by the Tulsa Metropolitan Area Planning
	Joshua Walker, Chairman Tulsa Metropolitan Area Planning Commission
Subscribed and sworn to before me	e on this day of September 2012.
	Notary Public
My Commission Expires:	
Commission No.:	

# ATTESTATION AND CERTIFICATION CITY COUNCIL OF THE CITY OF TULSA

STATE OF OKLAHOMA )	
COUNTY OF TULSA ) ss.	
To The City Clerk of the City of Tuls	a and the County Clerk of Tulsa County:
certify on this day of and the amendments to the Comprehensive to this Resolution are a true and correct cop of the Tulsa Metropolitan Area as approved	
G.	Г. Bynum, Chairman of the City Council
Subscribed and sworn to before me or	n this day of2012.
	Notary Public
My Commission Expires:	
Commission No.:	







### PRELIMINARY SUBDIVISION PLAT

<u>Sunset Hills</u> - (9426) (CD 6) South of East 41<sup>st</sup> Street South, West of South 177<sup>th</sup> East Avenue

This plat consists of 232 Lots, 12 Blocks, on 82.06 acres.

The following issues were discussed August 2, 2012, at the Technical Advisory Committee (TAC) meetings:

- 1. **Zoning:** The property is zoned Planned Unit Development 793. All PUD conditions must be followed and listed in restrictive covenants.
- 2. Streets: Show street names on the face of plat. Call out right-of-way of each street. Provide 25 foot radius corner curve at intersection with 41<sup>st</sup> Street. Show existing right-of-way on 41<sup>st</sup> Street and provide reference. Provide a chart with curve data. (Is a median proposed at the intersection with 41<sup>st</sup> Street? Why has the street been widened to 65 feet?)
- Sewer: If the Reserve areas are not allowed to be utility easements, then additional utility easements must be platted to provide adequate easement widths adjacent to the Reserves, and for perimeter easements. What is the vacant area that separates Lot 3, Block 7, from Lots 4-6, Block 7? The legend does not include the dashed lines used to separate this area from Reserve D. What is the width of Reserve D and Reserve C along the west boundary line of the plat? Does Reserve C continue north of the public street into Block 1? Do these Reserves extend all the way to the west boundary of the plat, or is there a gap denoted by the dashed line? How wide is the distance between the western boundary and the dashed line? Shouldn't these dashed lines be defined in the legend? According to the adopted plan for providing sanitary sewer service to this area, the entire development will be served through the Stone Creek Farms lift station. Therefore, the entire acreage will be assessed the following fees: Broken Arrow Excess Capacity Fees of \$700 per acre, and a 2.5% charge from the City of Tulsa for processing the fees. There is a \$640 per acre Trinity Creek Sanitary Sewer Payback Contract that will be assessed. There is a Lift Station Use Fee of \$3.936 per acre which will be paid to the builders of the Lift Station. Then there is a Lift Station Relief Fee of \$150 per acre paid to the City of Tulsa to cover future costs associated with taking the lift station out of service, when a gravity flow sewer main becomes available.
- **4. Water:** A looped water main extension line is required to serve the development.

- 5. Storm Drainage: The Adams Creek Tulsa Regulatory Floodplain must be shown and labeled as such on the face of plat. The limits of this floodplain must be placed on the plat by plotting the 100 Year Water surface elevation, from the Master Drainage Plan Profiles on the existing grades on this site. This floodplain, plus an additional 20 feet adjacent to it must be placed in an overland drainage easement in a Reserve. Drainage flowing onto the site from the north, northwest, and west must be collected at the property line, and thence be conveyed in a public overland drainage easement and/or storm drainage easement. Use separate Reserve Areas for floodplain and detention. It is acceptable to place storm sewers in these Reserves; however, the sanitary sewers should be in sanitary sewer easements. Reserves for floodplains and detention are not allowed to be blanket utility easements. There must be bearings and distances or curve data on all lines bounding easements and Reserve areas.
- Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: Additional easements may be required.
- 7. Other: Fire: Provide fire hydrants per the spacing requirements of Appendix B and C of the International Fire Code. GIS: Label Oxford Court and show The Boulevard and correct location map. Show Point of Beginning on the face of plat. Correct traverse around property with legal description. Show a pin symbol at each point of intersection on the traverse around the property. Add correct degree descriptions. Provide basis of bearing and benchmark information. Submit a subdivision control data sheet.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed 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:**

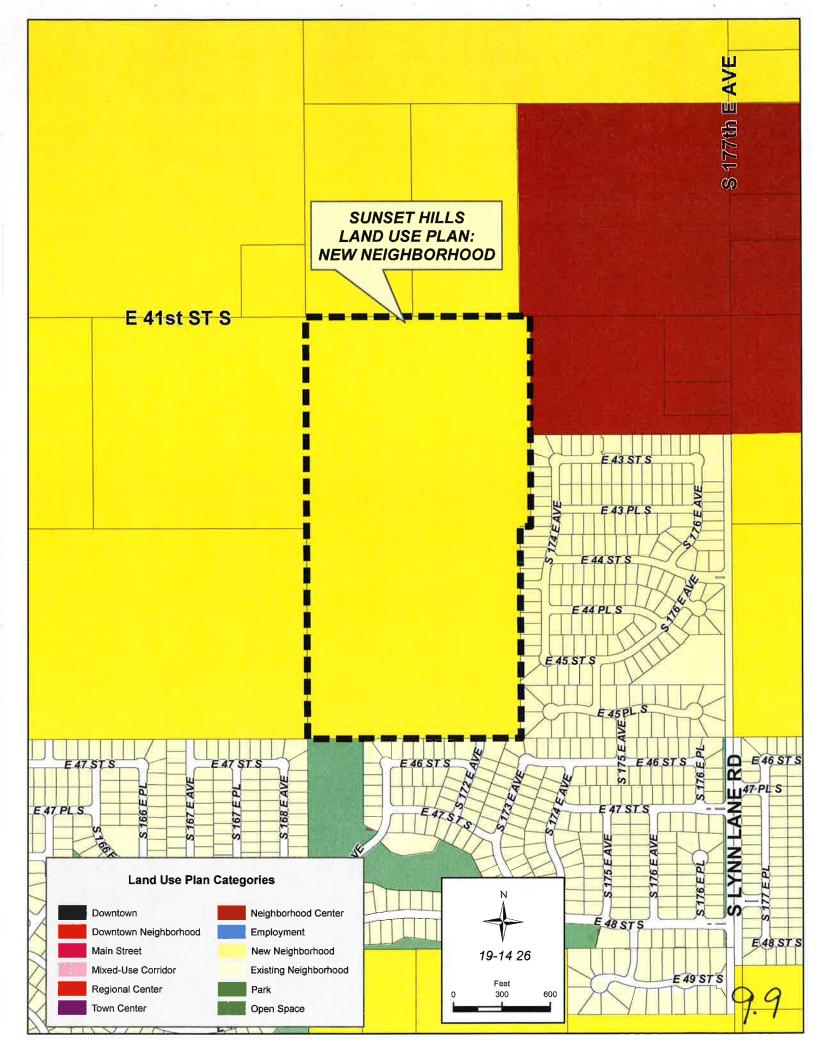
 Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to

- 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

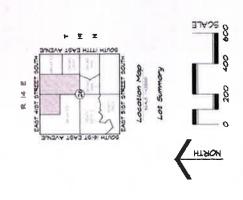
City/County Health Department.

- 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.

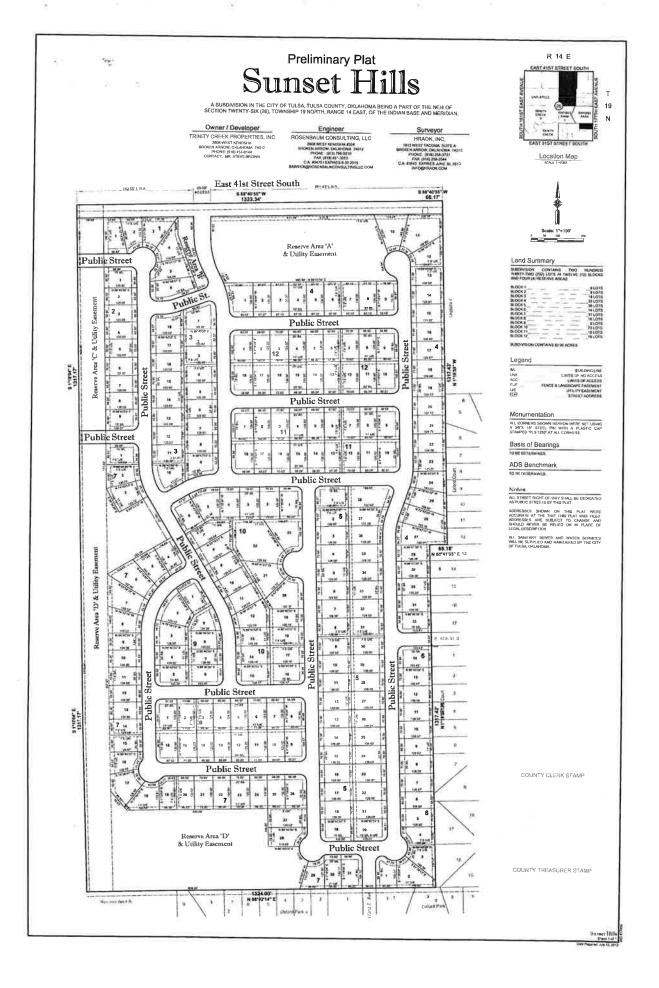




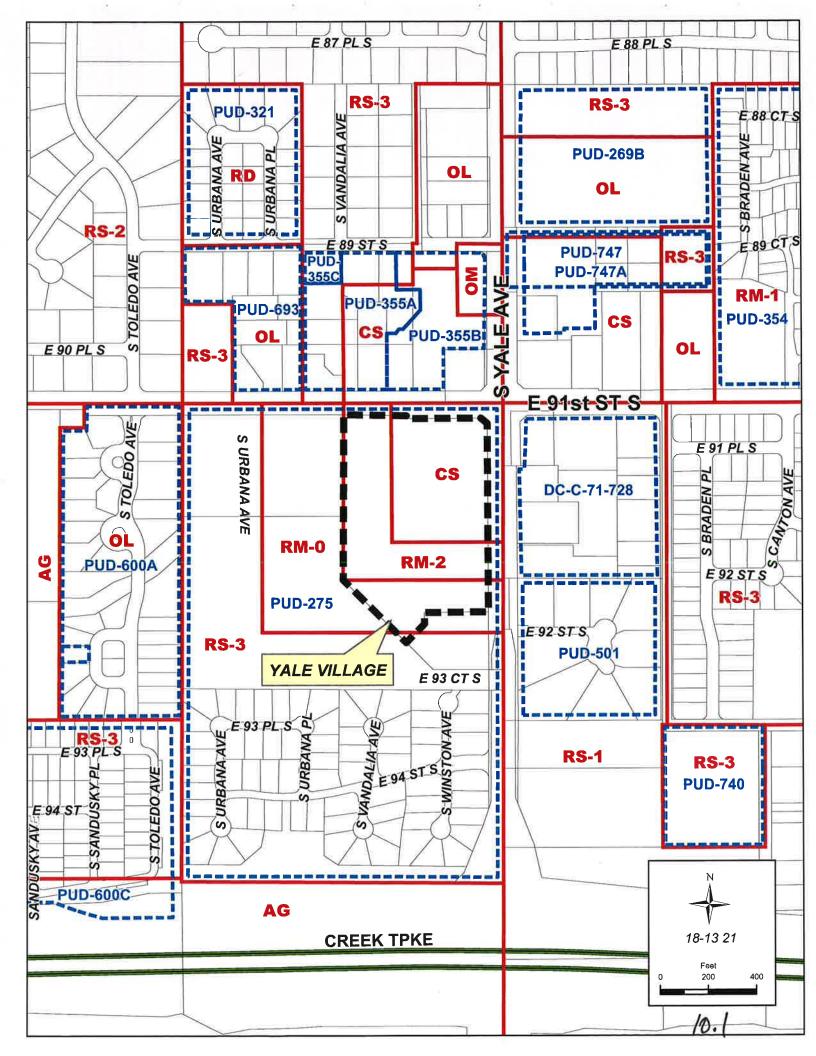
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#### PRELIMINARY SUBDIVISION PLAT

<u>Yale Village - (8323) (CD 8)</u> Southwest corner of 91<sup>st</sup> Street and Yale Avenue

This plat consists of 1 Lot, 1 Block, on 11.3 acres.

The following issues were discussed August 16, 2012, at the Technical Advisory Committee (TAC) meetings:

- 1. Zoning: The property is zoned Planned Unit Development 275. PUD standards must be listed in covenants. Allocated floor area must be as approved in PUD.
- 2. Streets: Amend to reflect additional right-of-way granted due to corner clip change with a 42.43 foot or 30 foot radius.
- 3. Sewer: No comments.
- **4. Water:** Add a "Caution" note for the existing 36 inch and 12 inch water main lines along East 91<sup>st</sup> Street South.
- 5. Storm Drainage: Show and label the existing vensel creek floodplain on the face of plat. If the existing floodplain is located in an overland drainage easement, and it will be placed in a 10' x 5 'rcb (reinforced concrete box); then the overland drainage easement must be vacated. All roof drainage must be conveyed to the on-site public drainage system. Paragraph I E, surface drainage, should be edited to fit a property with only one lot.
- 6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: Additional easements may be needed.
- 7. Other: Fire: Provide fire hydrant protection per the International Fire Code. Within 400 feet of any portion of non-sprinkled buildings and within 600 feet of any portion of sprinkled buildings. If buildings exceed 30 feet in height provide aerial fire apparatus access per appendix D105 of the International Fire Code. GIS: Provide the certification numbers and expiration date for the engineer/surveyor. Add the word "scale" before 1" = 50 ' on the face

of plat. Make sure bearings and distances around the property being platted are legible. The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision control data form.

Add standard language for Certificate of Occupancy restrictions and utility easement dedication.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

#### Waivers of Subdivision Regulations:

1. None requested.

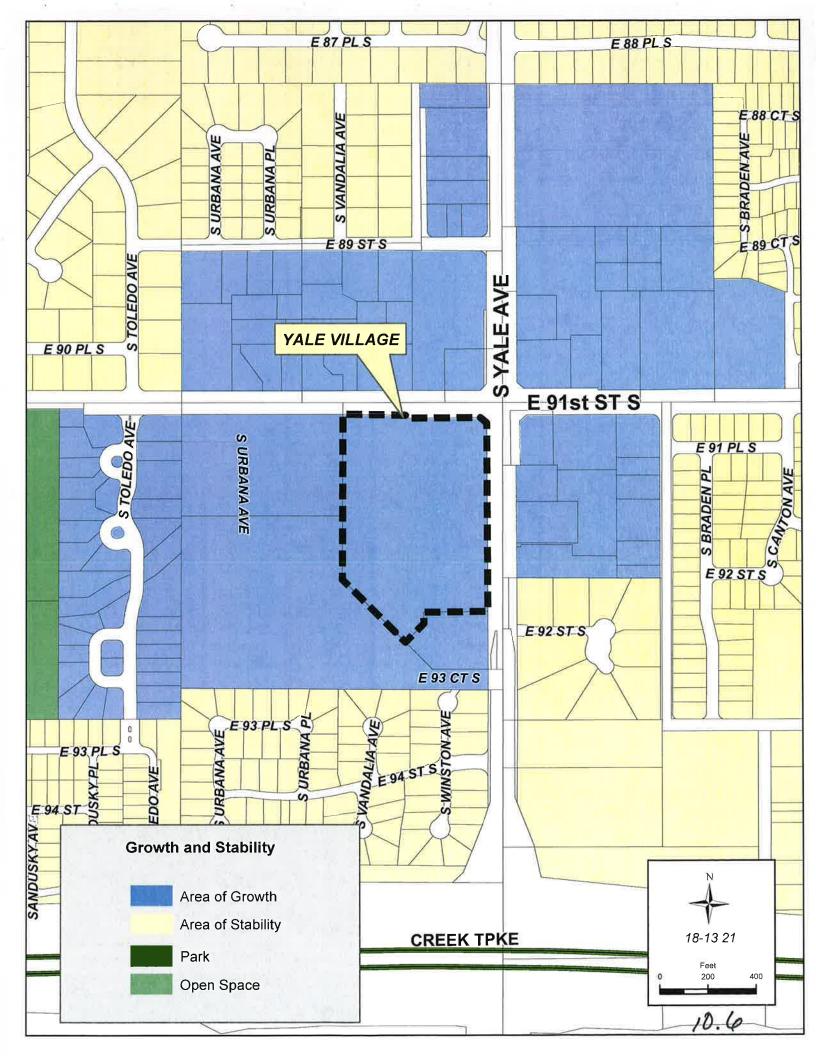
#### **Special Conditions:**

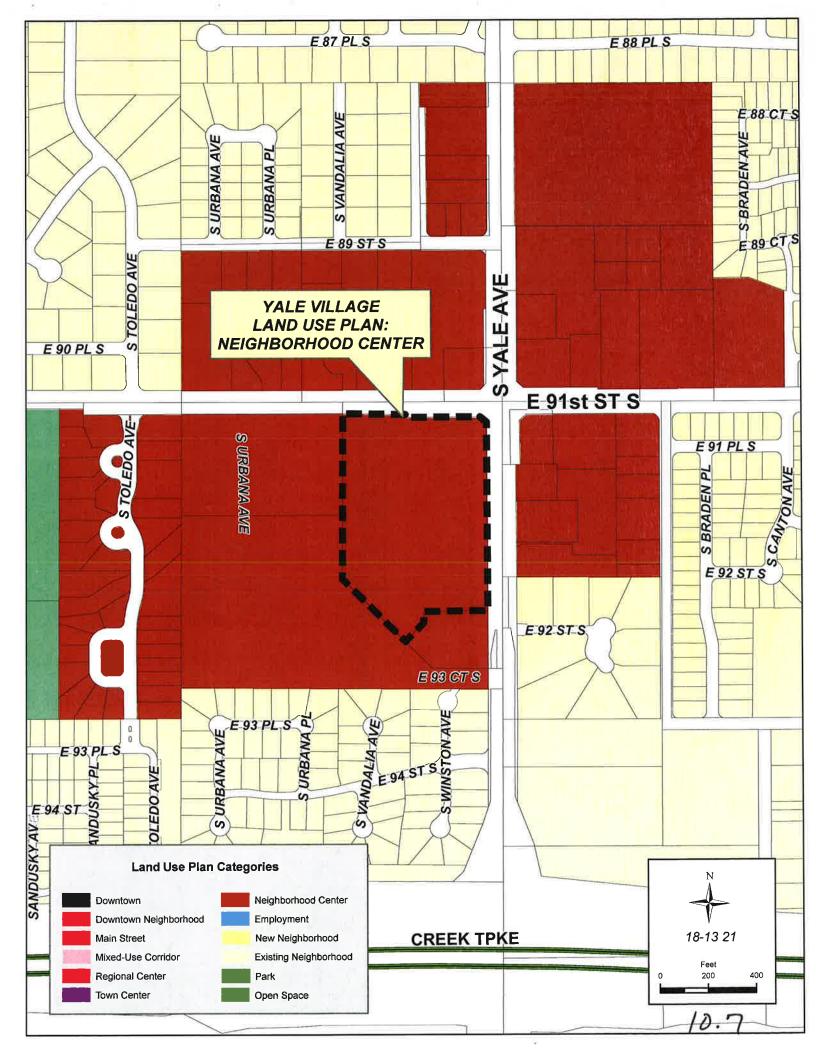
1. The concerns of the public works staff and development services staff must be taken care of to their satisfaction.

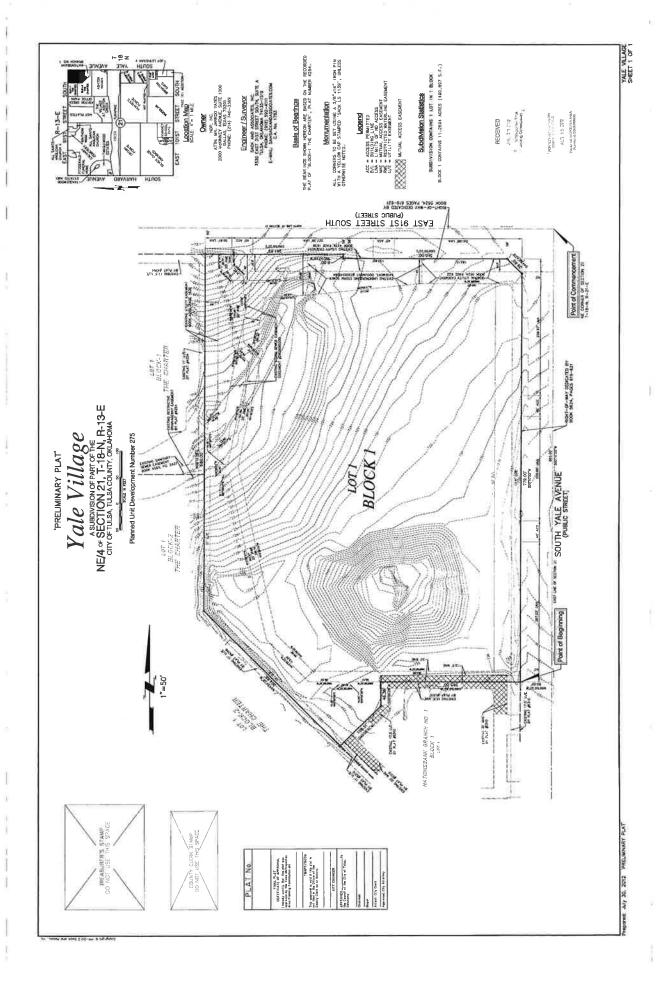
#### **Standard Conditions:**

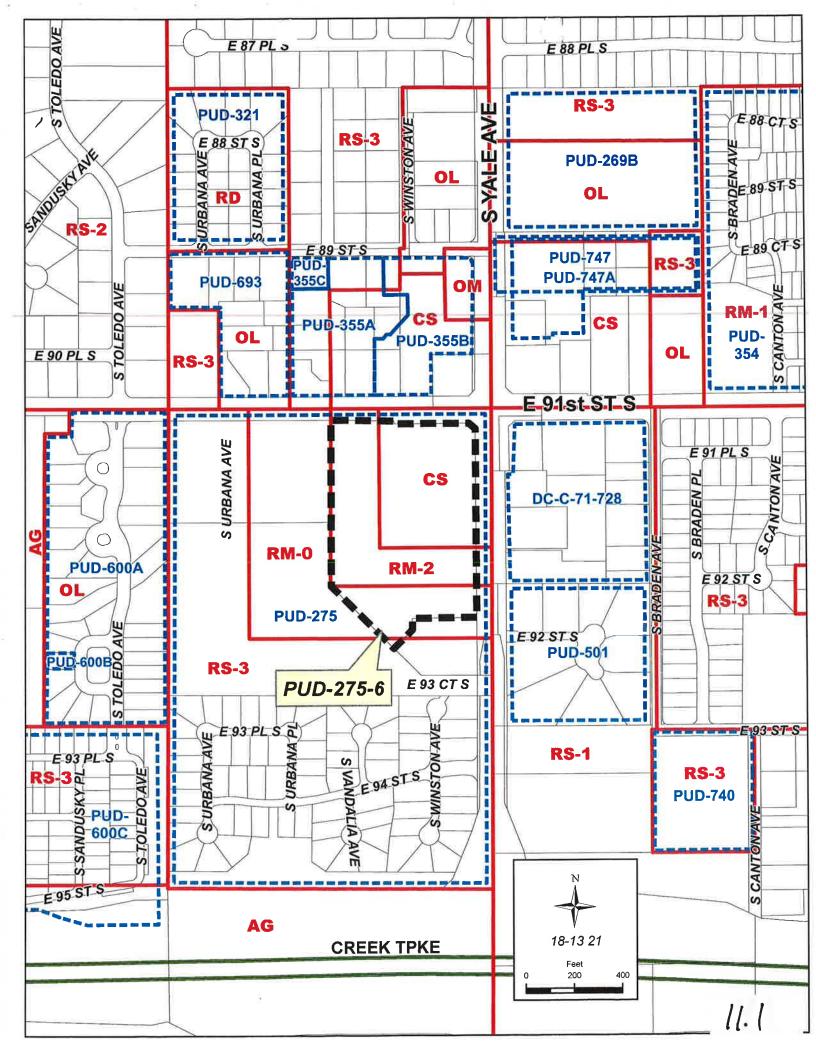
- 1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be 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.

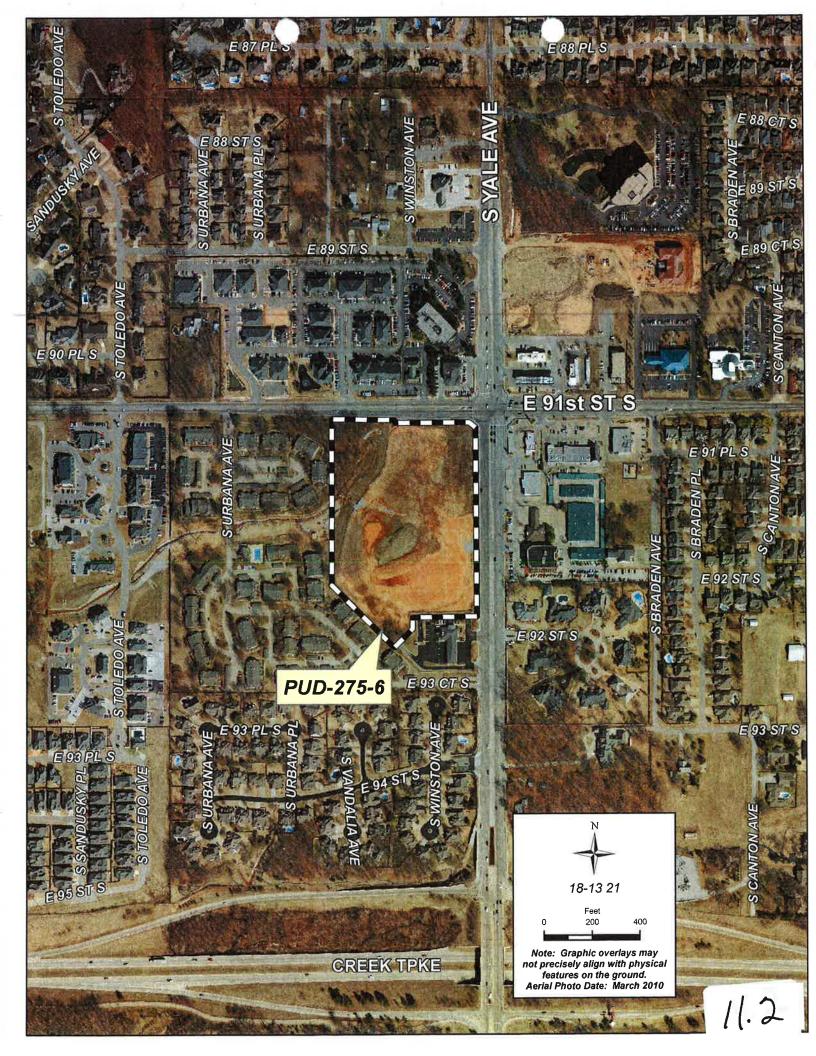
- 10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
- 11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
- 12. It is recommended that the developer coordinate with the Public Works 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.











#### STAFF RECOMMENDATION

#### PUD-275

**Detailed Site Plan** – An 11.27 acre tract that is part of the NE/4 of the NE/4 of Section 21, T-18-N, R-13-E, being platted as Lot-1, Block-1 Yale Village. Southwest corner of E. 91<sup>st</sup> Street South at South Yale. ; CZM 56/102; Atlas 1908: CD 8;

#### **CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for a Commercial Shopping Center in Development Area A of PUD 275. The site has not been previously developed. A subdivision plat is required and currently being routed through the Plat process. The Planned unit Development was originally approved at Planning Commission in December of 1981 then by City Council in January of 1982. All uses permitted as a matter of right in the CS zoning district are allowed in this development area.

#### **PERMITTED USES:**

The Site Plan provided as an attachment to this staff report illustrates a new commercial shopping center (Use Unit 14) which is permitted by right in Development Area A of the Planned Unit Development.

#### **DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building floor area, density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this plan.

#### OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

#### LIGHTING:

Parking lot lighting will be directed down to help prevent light trespass into the adjacent properties. There is no specific requirement regarding lighting inside the PUD or subsequent amendments. The photometric plan provides data that illustrates the lighting concept with no spillage onto adjacent properties.

#### SIGNAGE:

The site plan illustrates location along South Yale appropriately for site plan review. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the PUD section of the Zoning Code. The trash screening enclosure meets the minimum standards defined in the PUD.

The development of the property will require a significant retaining wall raising the parking area and building on top of the wall. In places the top of the wall be up to 14' above the existing ground on the west side of the property. An 8' masonry fence will be placed on top of the wall providing effective screening as required in the PUD.

A significant green space with larger than normal trees will be provided as agreed between the neighbors and the developer. To help mitigate the terrain issues in this area.

#### PEDESTRIAN ACCESS AND CIRCULATION:

Existing sidewalks will be installed internally and on the 91<sup>st</sup> and Yale frontage. Appropriate sidewalk plans have been provided on the site plan.

#### MISCELLANEOUS SITE CONSIDERATIONS:

The site slopes significantly from east to west toward the adjacent condominium property. Staff has been provided a site grading plan that is part of the IDP plans submitted to the City of Tulsa Development Services. There is some concern regarding the development of this area as it relates to the terrain modifications.

The finished floor of the building where Whole Foods will be constructed is approximately 22 feet taller than the adjacent ground elevations. At that location there is no existing structure west of the property line. At that location the top of the building will be an additional 32 feet in height. From the absolute lowest elevation at the west property line the top of the building will be 54 feet from adjacent property ground elevation.

Nothing in the PUD restricts this development.

There are no single family residential properties adjacent to this site plan. However there is a condominium development that was part of the original PUD 275. The applicant has been in contact with that property owners association regarding all of the terrain issue, landscaping, retaining walls, and masonry screening fences.

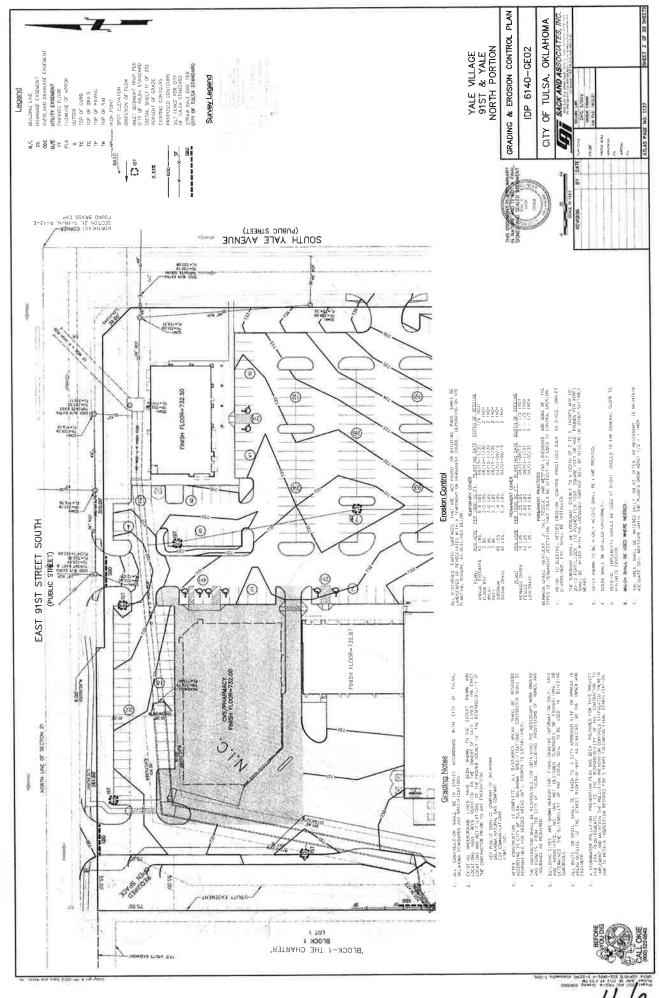
#### SUMMARY:

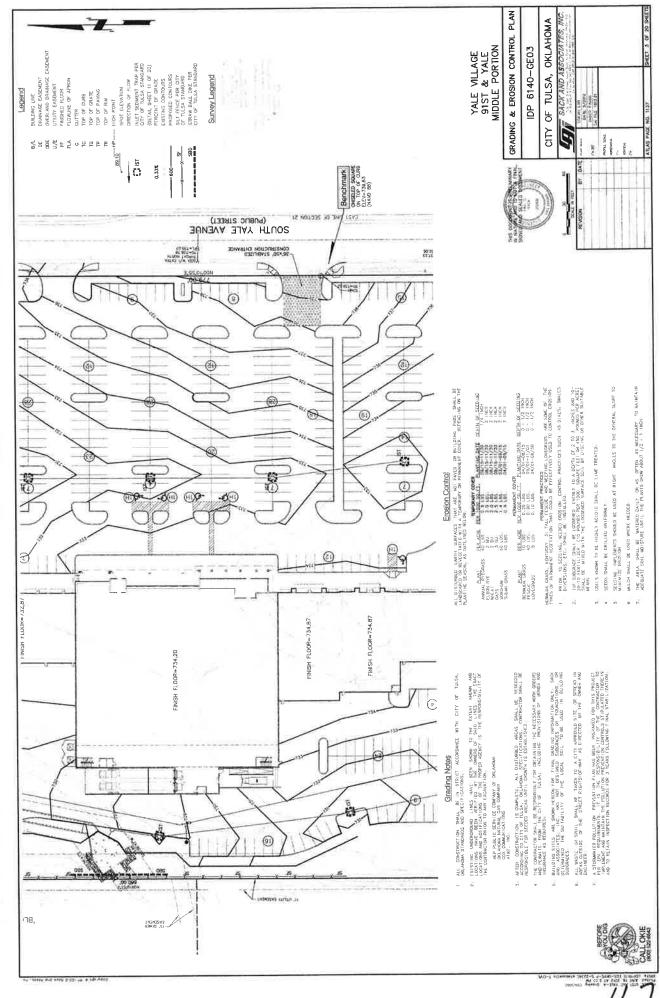
Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved PUD 275. The applicant site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities

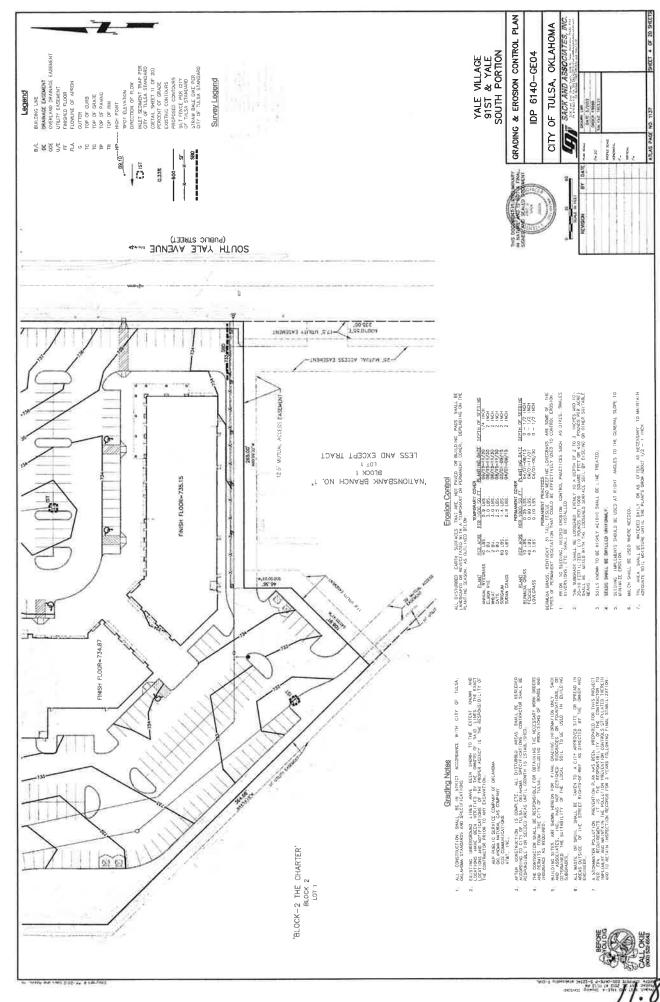
proposed with this site plan are consistent with the approved PUD-275 and the stated purposes of the PUD chapter of the Zoning Code.

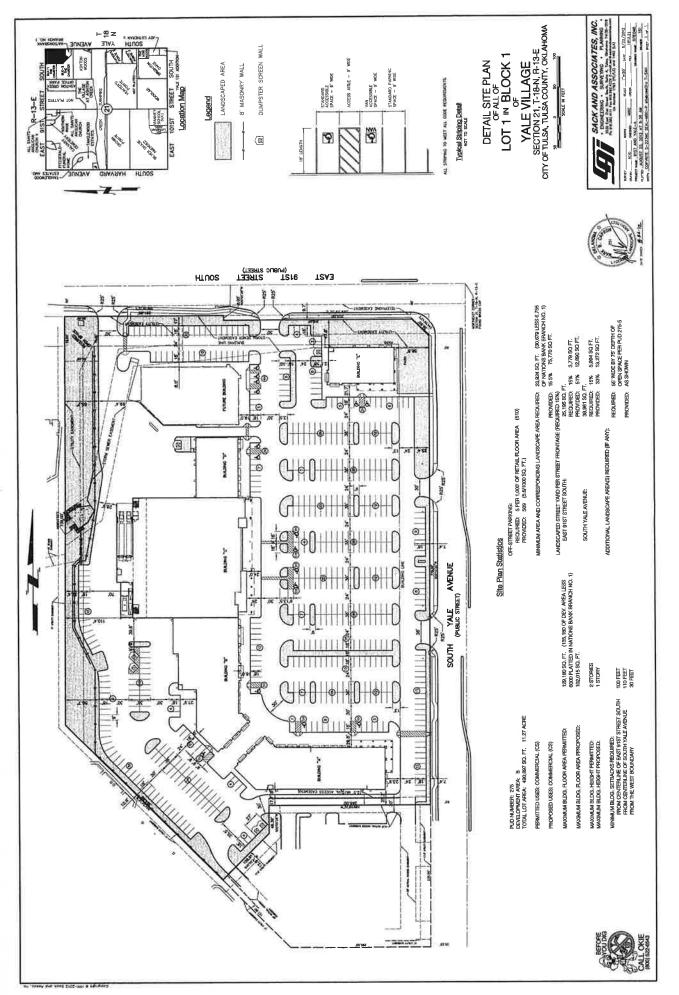
Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new commercial project.

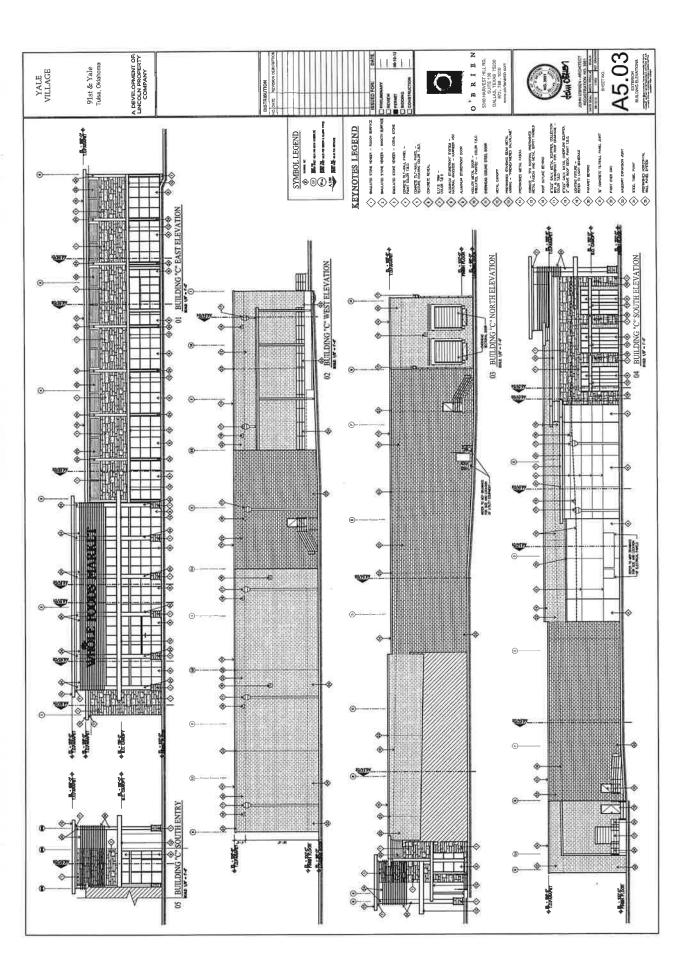
(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)

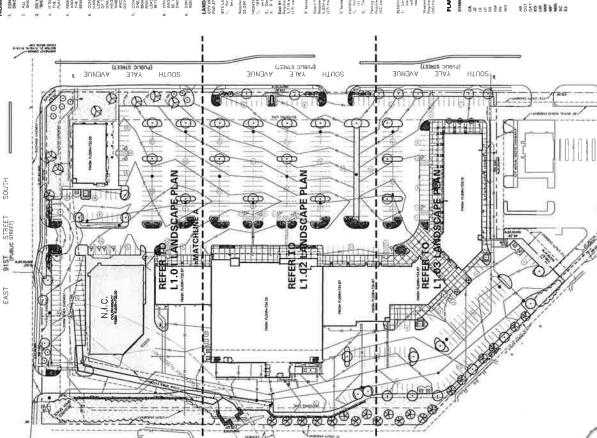












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	Zelkova serrata 'Green Vsse'	Japanese Zaltova "Green Vago"	10	D" call	contriner grown 15 ht. 6 spread, 8' clear trunk, metabling
	Ulmus parvitolia 'Sempervirana'	Lacebark Elm	10	O'cut	contilline grown, 12 ht., 6 appeard, 6 britinght, watching
	Pinus tanta	Loblotty Pine	20	4. cm	B&B or container grown, 16' ht., 5' spread, 6' branching ht
	Corols canddensis 'Oblahoma'	Oklahema Redbud	22	30 ga	bontwiner grown, 8' ftt., 4' spread min.
_	Acer freemann 'Auturan Blaza'	Autumn Blaze Maple	60	3° cal.	3" cal. container grown, 12 ht. 5' apread, 5' branching ht., metching
	Sottute relates "Ouro Host"	River Birch 'Dura Hear'	9	30 gs	20 gal. container grown, 8' ht., 4' apreed min.
0	Ouercus phelios	Willow Oak	12	3 and	3" cal container grown, 12 ht., 5' spread, 6' branching ht., matching
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	And April	Dwert Mudo Pine	87	5 gal.	container full, 20" epresd, 24" o c.
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Yale Village

12028 06.05.2012 KAH KAH

Date of

OVERALL LANDSCAPE PLAN

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## AUTHORIZATION FOR ACCELERATED RELEASE OF A BUILDING PERMIT

Yale Village – (8323) (CD 8) Southwest corner of 91<sup>st</sup> Street and Yale Avenue

The property is zoned PUD 275. Permits through the shell phase only are requested. A preliminary subdivision plat is on this TMAPC agenda for the site.

Review of this application must focus on the extraordinary or exceptional circumstances that extend the normal processing schedule and on the benefits and protections to the City that may be forfeited by releasing the Building Permit prior to filing of the final plat and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: The request is to allow construction of building shells and site walls prior to filing final plat. Site retaining walls along/near west boundary requires a permit and building shells can be underway while site work is performed.

The following information was provided by the Technical Advisory Committee in its meeting August 16, 2012.

#### **ZONING:**

• TMAPC Staff: Permits through the shell phase are requested.

#### STREETS:

Transportation: No comments.

#### SEWER:

Public Works, Waste Water: No comments.

#### **WATER:**

Public Works, Water: No comments.

#### STORM DRAIN:

Public Works, Storm Water: No comments.

#### FIRE:

Public Works, Fire: No comments.

#### **UTILITIES:**

• Franchise Utilities: No comments:

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits could adhere to this ideal.

The TAC (Technical Advisory Committee) did not object to the accelerated building permit.



Lincoln Property Company
2000 McKinney Avenue, Suite 1000
Dallas, Texas 75201-1954 T 214.740.3300
PO Box 1920 Dallas, Texas 75221-1920

August 28, 2012

Dear Commissioners,

Lincoln Property Company respectfully request an Authorization Accelerated Release of Building Permit of a Building Permit for the development of Yale Village. Yale Village is a commercial center comprised of a Whole Foods Grocery Store and a local pharmacy. In addition, there will be multiple small, upscale restaurants and shops. We have met with home owners in the area and they told us they are very excited about this development.

There are several issues which necessitate the need for a portion of the construction to be allowed to be permitted prior the filing of the plat. There is 28 feet of grade difference across the site requiring a substantial amount of earthwork to be done. A retaining wall will need to be constructed in conjunction with a major storm sewer box extension. The box extension is part of an IDP project and review is well underway to allow the box to be built. However, the box extension will need to be built in conjunction with the wall that will need a typical building permit.

This project is composed in part of several small scale tenants. Some of these leases are still developing and may cause revisions of the service utility easements. The Authorization Accelerated Release of Building Permit would allow for the finalization of utility service coordination and major construction work such as the earthwork, storm sewer and the foundations and shells of the anchor tenants to be done concurrently.

The subject application is for 'shell only'. It does not include tenant build out. The Certificate of Occupancy will not be able to be issued either. Therefore, the City of Tulsa does have the assurance and protection that the plat will be filed prior to the completion of the project.

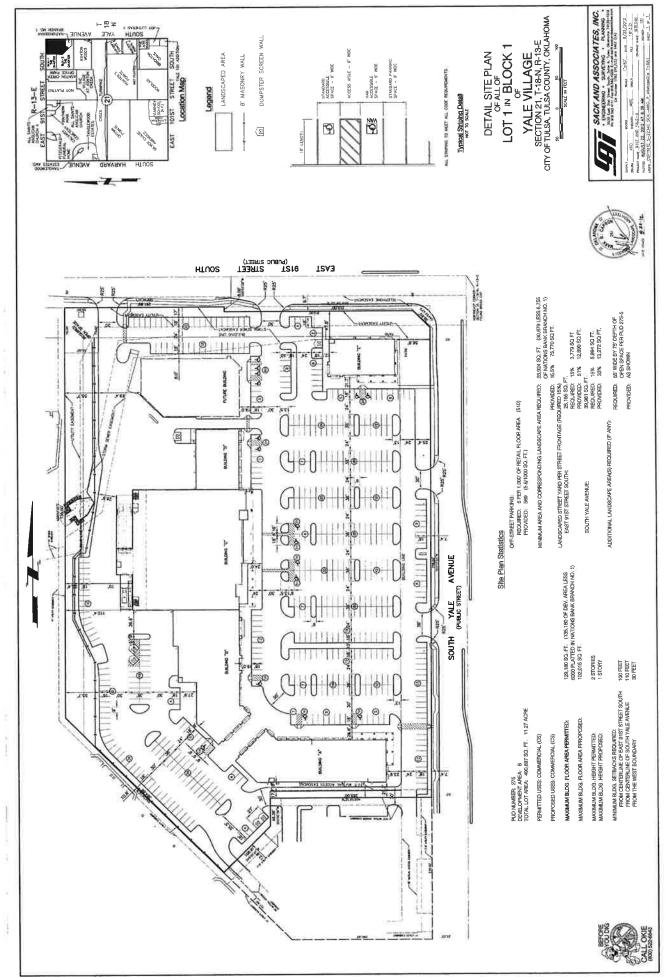
Lincoln Property Company is a major national real estate company that has a long history of building quality developments within Tulsa and across the country.

Thank you for your time and consideration. We look forward to provide the citizens of Tulsa with a high quality project as soon as possible.

Respectively,

LINCOLN PROPERTY COMPANY COMMERCIAL, INC.

Jarrod Yates Vice President



# AUTHORIZATION FOR ACCELERATED RELEASE OF A BUILDING PERMIT

**Meadowbrook Chase Addition** – (8407) (CD 7) North of Northeast corner of 81<sup>st</sup> Street South and South Mingo Road

The property is zoned PUD 531/Corridor (CS underlying zone). Full permits are requested. A preliminary subdivision plat was approved on June 20, 2012 for the site.

Review of this application must focus on the extraordinary or exceptional circumstances that extend the normal processing schedule and on the benefits and protections to the City that may be forfeited by releasing the Building Permit prior to filing of the final plat and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Construction sequence and timing, draft final will be filed for review before TAC review of accelerated release. Accelerates jobs and completion of a significant project withholding occupancy permit provides assurance that platting will be completed.

The following information was provided by the Technical Advisory Committee in its meeting August 16, 2012.

#### **ZONING:**

• TMAPC Staff: Full permits are requested.

#### STREETS:

• Transportation: Increase corner clip at 81<sup>st</sup> and Mingo to 42.43 feet or 30 foot radius.

#### SEWER:

Public Works, Waste Water: No comments.

#### **WATER:**

Public Works, Water: No comments.

#### STORM DRAIN:

Public Works, Storm Water: No comments.

#### FIRE:

Public Works, Fire: No comments.

#### **UTILITIES:**

• Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits could adhere to this ideal.

The TAC (Technical Advisory Committee) did not object to the accelerated building permit.



Case & Associates Properties, Inc.

Real Estate Investment \* Leasing \* Management www.caseusa.com 4200 E. Skelly Dr., Suite 800 Tulsa, OK 74135-3237 (918) 492-1983 (918) 492-4446 Fax Augu

August 15, 2012

The Tulsa Metropolitan Area Planning Commission c/o Ms. Diane Fernandez
Subdivision Administrator
Two West Second Street
Tulsa, Ok 74103

Re:

Meadowbrook Chase - Pending Subdivision Plat

Accelerated Release of Building Permit

This letter is submitted to advise the Commission of the circumstances that, in my opinion, are supportive of the application for an accelerated building permit.

Cascata Apartments L.L.C. ("Cascata"), has acquired ownership of approximately 12.6 acres (the "Subject Property") and intends and is ready to proceed with the development of 286 upscale apartments and is currently undertaking earth change work pursuant to an earth change permit. The Subject Property comprises one lot of the three lots that comprise Meadowbrook Chase, and building permits for the other two lots are not currently being sought.

- A preliminary plat has been approved by the TMAPC and the Draft Final Plat has been filed and is under review, and the accelerated building permit application is scheduled for review by the Technical Advisory Committee on August 16, 2012 and scheduled for TMAPC review on September 5, 2012.
- The project engineer has advised that the time to complete the platting process (which includes TAC, City Attorney and INCOG Staff review, docketing for TMAPC release, docketing for City Council approval, securing required signatures and recording) is estimated to require an additional 45 to 60 days from today's date.
- 3. Based on the initial estimate of the platting time (which, without casting blame, proved to be too ambitious) Cascata proceeded to the closing of the purchase of the Subject Property and scheduled construction accordingly.
- 4. The construction sequence is important. The earth work will soon be completed and additional work should then proceed aggressively, particularly in regard to preparation of the slabs, parking and interior drives which sets the stage for vertical construction before bad weather occurs.

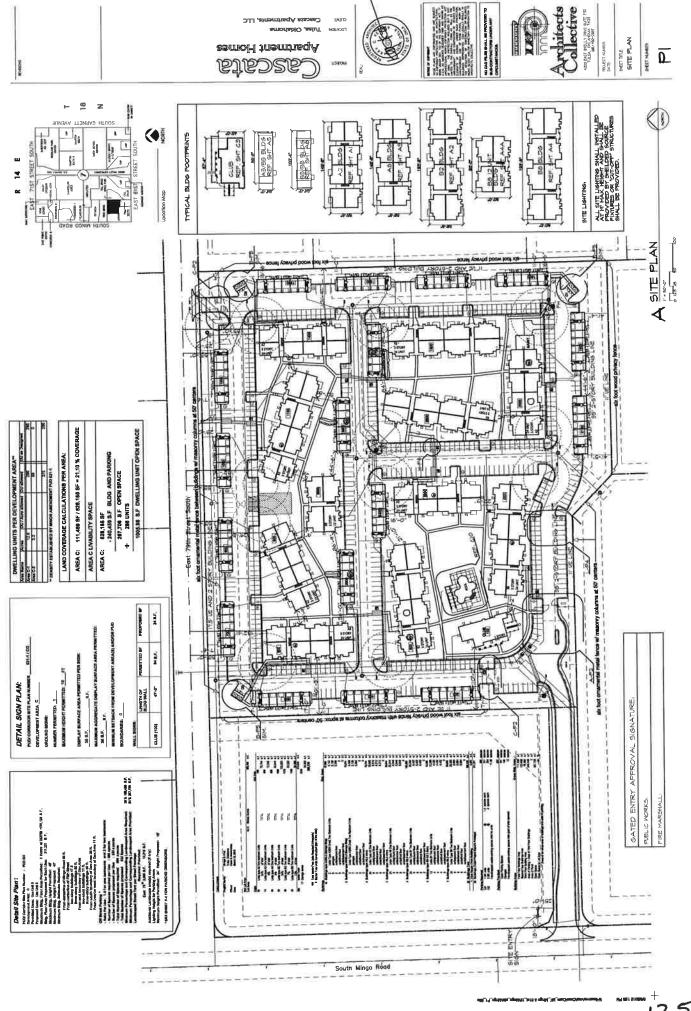
- 5. The City is benefitted by acceleration of 150 jobs that are ready to go to work and proceed in a timely manner to complete a quality project having an estimated investment of \$22,200,000.00 dollars.
- 6. The City is fully protected in that no occupancy permit will issue until the final plat is recorded, and there is an additional protection, in that there are two adjoining parcels, for which permits can be denied until the final plat is recorded.

It is our understanding, that in instances where accelerated building permits have been issued, all have subsequently resulted in platting being completed. In recent times, accelerated building permits have routinely been granted. There is an exception, and the undersigned has personal knowledge of a denial of an application for an accelerated building permit, and the delay was costly, and it was general opinion that a protest by a few nearby residents and the applicable City Councilor resulted in the denial.

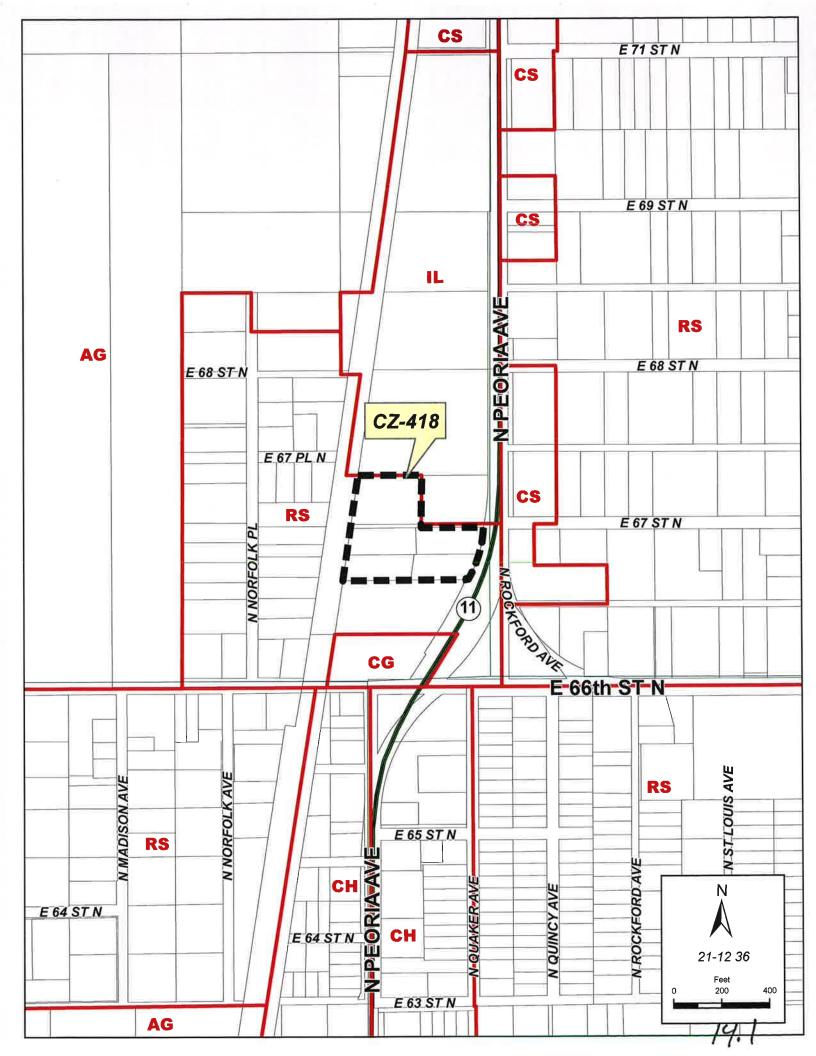
Your consideration will be appreciated.

Sincerely,

Mike Case, Manager Cascata Aparments, L.L.C.



13.5





#### TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

**APPLICATION:** CZ-418

**TRS** 2236

Atlas 0

**CZM** 15

County

TMAPC Hearing Date: September 5, 2012

**Applicant:** Randy Frailey

Tract Size: 4± acres

ADDRESS/GENERAL LOCATION:

North of northwest corner of North Peoria Avenue and

East 66<sup>th</sup> Street North

**EXISTING ZONING:** 

RS

**EXISTING USE:** 

Wrecker yard/ repair

shop

PROPOSED ZONING: IL

PROPOSED USE: Industrial

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established

zoning for the subject property.

#### RELEVANT ZONING HISTORY:

#### **Surrounding Properties:**

CZ-331 February 2004: All concurred in approval of a request for rezoning a 12,000+ square foot tract of land from RS to CS, for a small barbeque restaurant on property located on the southeast corner of East 67th Street North and North Peoria Avenue.

CZ-287 October 2001: All concurred in approval of a request for rezoning a 1.27+ acre tract of land from RS to CS for commercial use on property located on the southeast corner of East 67<sup>th</sup> Street North and North Peoria Avenue.

CZ-213 November 1994: All concurred in approval of a request for rezoning a 2.3± acre tract of land from RS to CG for commercial use on property located on the northwest corner of East 66<sup>th</sup> Street North and North Peoria Avenue.

CBOA-1141 March 16, 1993: The Board of Adjustment approved a Use Variance to permit a mobile auto crusher (Use Unit 25) in an IL district for a period of one year only, subject to the hours of operation for the automobile crusher being from 8am to 5pm, Monday through Friday, and the salvage yard operating 8 a.m. to 5 p.m., Monday through Saturday; subject to a solid screening fence being installed around the entire salvage yard; subject to a maximum of 30 cars on the lot at any given time; and to the driveways being covered with a dust-free surface; and to all materials and equipment being contained inside the screening fence; finding that the one-year temporary approval will be sufficient time for the applicant to clean up his property and to prove compatibility with the neighborhood, on property located at 7002 North Peoria.

#### **AREA DESCRIPTION:**

<u>SITE ANALYSIS:</u> The subject property is approximately 4± acres in size and is located North of northwest corner of North Peoria Avenue and East 66<sup>th</sup> Street North. The property appears to be used for salvage/industrial use and is zoned RS.

**SURROUNDING AREA:** The subject tract is abutted on the east by commercial use, restaurant, zoned CS; on the north by industrial and commercial uses, zoned IL; on the south by commercial, restaurant, recycling business, zoned RS and CG; and on the west by the Osage Trail, residential, zoned RS.

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

#### TRANSPORTATION VISION:

The Comprehensive Plan designates a Secondary Arterial for North Peoria Avenue.

#### **STREETS:**

The site is accessed through North Peoria Avenue.

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Peoria Avenue	Secondary Arterial	100 feet	2

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The property is located north of the City of Tulsa Fenceline. The North Tulsa County Comprehensive Plan does not designate the site for any land use intensity.

#### **STAFF RECOMMENDATION:**

The site is being used for industrial types of uses at this time. There are commercial and industrial uses to the east, north, and south of the subject site. The Osage Trail runs along the west side of the property and buffers the site from an existing residential neighborhood.

Staff can recommend APPROVAL of the extension of IL zoning on the property because of the existing uses nearby, the location on the arterial roadway, and existing zoning abutting the site.

09/05/12

#### STAFF RECOMMENDATION

### Pearl District Form-Based Code Regulating Plan dated 09.05.12

Today, the Form-Based Code **REGULATING PLAN** is before the Planning Commission for adoption. Any future rezoning application for the implementation of the Regulating Plan, when and if directed by the Planning Commission, could be anticipated to be on the TMAPC Agenda in November of this year, 2012, following public notice pursuant to law.

Based on input from the **06.06.12** TMAPC hearing, City staff re-designed the Regulating Plan to align with the long-range planning document for The Pearl District; the 6<sup>th</sup> Street Infill Plan.

On **06.20.12** and **07.11.12**, City Planning Staff presented the TMAPC a scaled-back Regulating Plan that aligned with the 6<sup>th</sup> street infill plan supporting the corridors, floodplain elements, and the environmental constraints.

On **August 1, 2012**, TMAPC requested that City Planning and INCOG staffs address some additional matters and continued the public hearing to September 5, 2012. Those matters are addressed within this Staff Recommendation and the boundaries on the Regulating Plan have been further modified. (Please see attached *Form-Based Code Regulating Plan* dated 09.05.12)

Staff would remind the Planning Commissioners the actual written Form-Based Code (Title 42-B), which sets out the guidelines for Form-Based Code development, has already been through the application and public process, as outlined below:

The **TMAPC** <u>RECOMMENDED APPROVAL</u> of the Form-Based Code, including the Regulating Plan for the pilot area in The Pearl District, on **03.02.11**.

The **City Council <u>APPROVED</u>** the Form-Based Code as Title 42-B including the Regulating Plan for the Pilot Area in The Pearl District, on **04.29.11**.

The **City Council <u>ADOPTED</u>** (Ordinance 22473) Title 42-B as an amendment to the existing Title 42, Tulsa Zoning code, on **07.14.11.** 

The **TMAPC RECOMMENDED APPROVAL** of the FBC District Zoning for the Pilot Area of The Pearl District, on **08.03.11**.

The **City Council APPROVED** the FBC District Zoning for the Pilot Area of The Pearl District, on **10.20.11**.

The action before you today is the **adoption** of a *Form-Based Code Regulating Plan* for The Pearl District dated September 5, 2012.

#### **Additional Information Requested by the Planning Commission**

Issues considered in the development of the proposed Form-Based Code Regulating Plan include the following:

Reduced Size of Regulating Plan vs. Phased Rezoning Implementation Area It is necessary to clearly align the Pearl District Form-Based Code Regulating Plan with the content of the 6<sup>th</sup> Street Infill Plan. Staff has completed that task and now the plan before you is consistent with the 6<sup>th</sup> Street Infill Plan. The Form-Based Code Regulating Plan for The Pearl District supports the corridors, floodplain elements, and the environmental constraints depicted within the 6<sup>th</sup> Street Infill Plan.

The Form-Based Code Regulating Plan for The Pearl District is a document that will guide future development as directed by the long-range planning document known as the 6<sup>th</sup> Street Infill Plan for the area known as The Pearl District.

Staff believes the rezoning process will be an appropriate platform for the TMAPC and City Council to utilize for recommending a phased implementation of the Form-Based Code per the adopted regulating plan. If that is so desired, staff recommends adopting the Regulating Plan based on the alignment with the 6<sup>th</sup> Street Infill Plan and addressing possible phasing implementation during the rezoning process.

2 **Opt-in/Opt-out** – This option has been suggested as a permanent solution to offer the choice of utilizing the existing Tulsa Zoning Code (TZC) (Title 42-A) or the existing Form-Based Code (FBC) (Title 42-B).

This would be an option through an applicant applying for a site specific FBC rezoning if a regulating plan has been adopted for that area. However, it is not consistent with the Comprehensive Plan and offers temporary opportunities to stray from the purpose of the Comprehensive Plan.

Staff believes that an Opt-in/Opt-out solution discourages compatible development patterns and could cause some challenges with the interpretation of the code. It is believed that it would present a long-term inconsistent spot zoning development pattern.

Even with an Opt-in/Opt-out solution, there couldn't be a "cherry-pick" opportunity offered to combine the code requirements from either code to best suit the development, as it would be a logistical nightmare for staff reviewing the submittals.

If the two codes were allowed to be intertwined, there would be conflicting guidance to prospective applicants and no guidelines in place to guide staff on how to clearly administer the intermingled codes. Staff does not recommend an Optin/Opt-out option.

#### 3 Boundaries and East 11<sup>th</sup> Street South/South Utica Avenue

Concerns have been raised about the 6<sup>th</sup> Street Infill Plan text and mapping inconsistencies. Specifically, if properties located on the south side of East 11<sup>th</sup> Street South and the east side of South Utica Avenue are to be included in the proposed Regulating Plan currently before the TMAPC, were the property owners properly notified to the fact that they were being considered a part of the 6<sup>th</sup> Street Infill Plan and the proposed FBC Regulating Plan for The Pearl District?

In speaking with City Staff, it is believed that the intent of the code was to include both sides of 11<sup>th</sup> and Utica, but it is not completely clear if all the abutting neighbors involved east of Utica and south of 11<sup>th</sup> were completely aware of their inclusion when the 6<sup>th</sup> Street Infill Plan was being drafted and eventually adopted. Currently, there is an ongoing Small Area Plan on the south of East 11<sup>th</sup> Street and a professional planning design consultant is in the process of preparing a Master Planned Development for the area. Staff is comfortable the consultant will be cognizant to work with the City and that blending of the zoning edges will benefit the community as a whole.

Legal guidance also suggests that it is generally held that when there are questions, written text is more controlling than illustrative maps.

**East 11<sup>th</sup> Street South/South Utica Avenue -** Staff recommends the boundaries of the proposed FBC Regulating Plan for the area commonly known as The Pearl District be as follows:

North (I-244) Boundary

The south boundary of the right-of-way of I-244

East (South Utica Avenue) Boundary

The west boundary of the right-of-way of South Utica Avenue

South (East 11th Street South) Boundary

The north boundary of the right-of-way of East 11<sup>th</sup> Street South

West (US Hwy 75) Boundary

The east boundary of the right-of-way of US Hwy 75.

Staff also recommends TMAPC direct City Staff to revise and update of the 6<sup>th</sup> Street Infill Plan to align mapping with the text, addressing both scriveners errors and possible other modifications, as needed, to be completed by April 30, 2013.

Code Language – The Planning Commission had mentioned some concerns about the possibility of modifying and changing the code, after it was adopted. The current codes, Title 42-A and 42-B, as mentioned previously, are already approved and are fluid documents that may be updated, modified, and amended at any time, if warranted and deemed necessary.

The proposed FBC Regulating Plan currently before the TMAPC is also a regulating tool that once adopted and implemented will be subject to updates and modifications, if warranted and deemed necessary. Staff does not recommend modifying the Form-Based Code text, at this time.

Legal Non-conforming Issues - Concerns about Legal Non-Conforming issues have been voiced within the public hearings. Staffs have spoken with legal counsel and real estate professionals in the industries of banking, appraising, and planning regarding this issue.

Planning Commission and Staffs have listened to and worked with the American Legion pertaining to their concerns about legal non-conforming structures and from that dialogue, implemented a provision for the reconstruction of damaged or destroyed buildings, allowing them to be restored, without expanding the nonconformities that existed prior to sustaining damages. Staff believes, as with any rezoning action, legal non-conformities will occur, but this provision is in place to address reconstruction if the legal non-conforming structure is damaged or destroyed as defined in the Form-Based Code Section 204.C.

Property Rights (Takings) — Staff has researched and spoken with the City of Tulsa Legal Department and has concluded that the adoption of new zoning would not in and of itself constitute a compensable taking unless it were found to deprive a property owner of all economically viable use of his or her property.

The Courts have held that cities have the right to regulate the use of property by reasonable ordinances that are clearly necessary and that bear a rational relation to preserving the health, safety, and general welfare of the public. The proposed adoption of the FBC Regulating Plan, and any subsequent rezoning to Form-Based Code zoning, are believed to be in accordance with established zoning regulatory powers.

7 **Transition Period** - It has been suggested that there be a "transitional period" during which period an owner of property within the expanded area could opt to

use his or her property under the provisions of either the existing, traditional zoning code, or under the provisions of the Form Based Code, for any area subsequently rezoned to Form-Based Code.

Suggestions as to the length of the transitional period have ranged from 12 to 24 months. Staff recommends the Form Based Code will be an optional code from date of adoption until January 1, 2015, at which time it will become mandatory.

**NOTE:** During the period through December 31, 2014, a property owner would have the option of applying for a building permit under either existing, traditional zoning, or under the provisions of the Form-Based Code.

8 **COT/INCOG** – INCOG and City Staff have worked closely on this recommendation and are in agreement with the recommended Peal District Form-Based Code Regulating Plan dated 09.05.12. Please see attached Memorandum from the City of Tulsa

## **STAFF RECOMMENDATION:**

Staff recommends the Planning Commission make a **MOTION** for the **ADOPTION** of the Form-Based Code Regulating Plan dated 09.05.12.

Staff recommends the Planning Commission also **DIRECT** TMAPC staff to initiate the next step in moving forward with the implementation of the Form-Based Code Regulating Plan by processing a **REZONING APPLICATION** on behalf of the TMAPC to be on the 11.07.12 TMAPC Agenda.

Staff also recommends the Planning Commission **DIRECT** City Staff to **REVISE** and **UPDATE** the  $6^{th}$  Street Infill Plan to align mapping with the text, addressing both scriveners errors and possible other modifications, as needed, to be completed by 04.30.13.

#### Attachments:

Pearl District Regulating Plan dated 09.05.12

Form-Based Code Chronology dated 09.05.12

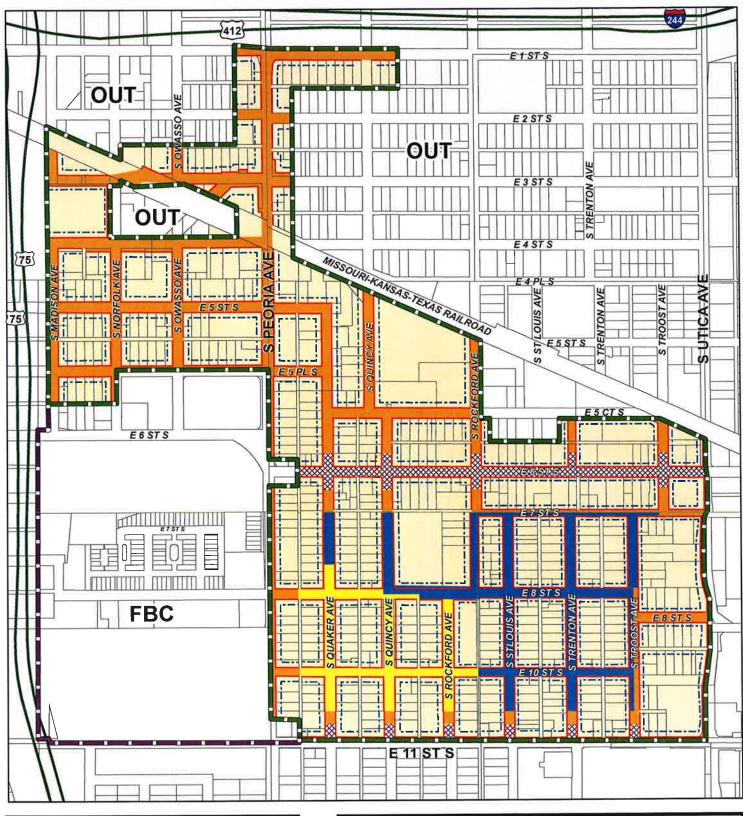
Ordinance 22551 – Ordinance adopting regulating plan and rezoning pilot area dated 10.20.11

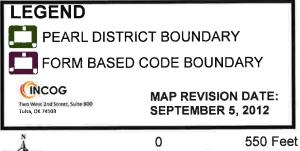
Ordinance 22473 - Ordinance amending Title 42 adding a new Form-Based Code District 07.14.11

Memorandum from the Dawn Warrick, City of Tulsa - Director of Planning and Economic Development 08.30.12

15.5

# PEARL DISTRICT REGULATING PLAN





# **KEY**

## FRONTAGE TYPES

**URBAN GENERAL FRONTAGE** 

- 🔀 URBAN GENERAL STOREFRONT FRONTAGE
- TOWNHOUSE/SMALL APARTMENT FRONTAGE

**DETACHED** 

## PEARL DISTRICT LINES

REQUIRED BUILDING LINE (RBL)

Notes:

RBL placement is on the corresponding propert

PARKING SETBACK LINE

line unless otherwise identified All Urban General Storefront Frontages extend 75' from the block comer intersection unless otherwise identified.

# FORM-BASED CODE DEVELOPMENT CHRONOLOGY

November 2, 2005 – TMAPC adopted the 6<sup>th</sup> Street Infill Plan prepared by the City of Tulsa staff.

January 2009 – Consultant Ferrell Madden Lewis engaged to prepare the Form-Based Code with \$35,000 from Central Park TIF Funds. INCOG was responsible for administrating the consultant's contract and work product. Duane Cuthbertson was the INCOG staff planner that was assigned to the project after his expression of interest in the Form-Based Code.

June 2009 – Consultants initial draft completed and presented to Pearl District Design Team.

August 2010 – Public Review Draft Completed after extensive work by the Design Team and staff.

December 7, 2010 – First TMAPC public hearing on the draft Code.

February 2 and February 16, 2011 – TMAPC continued public hearings.

March 2, 2011 – TMAPC recommended approval of the Form-Based Code, including the Regulating Plan for the pilot area in the Pearl District.

March 24, 2011 – TMAPC transmitted its recommendation for approval to the City Council.

April 29, 2011 – City Council approved the Form-Based Code as Title 42-B Tulsa Ordinance including the Regulating Plan for the pilot area in the Pearl District.

August 3, 2011 – TMAPC recommended approval of the FBC District Zoning for the pilot area of the Pearl District.

October 20, 2011 – The City Council approved FBC District Zoning for the pilot area of the Pearl District.

2011 – The Regulating Plan for the balance of the Pearl District was developed over several months of many meetings of the Pearl District Design Team with assistance provided by INCOG staff Duane Cuthbertson and City staffer Theron Warlick. The proposed Regulating Plan represented the desires of the Team for the Pearl District.

November and December 2011 – Three informational meetings were held at Centennial Park meeting rooms to present and discuss the Regulating Plan with interested parties. Over 300 notices were mailed to Pearl District property owners. These meetings were sparsely attended with only 15 to 20 in attendance, including staff and Pearl District Design Team.

January 18, 2012 – Public hearing to discuss proposed amendments to the FBC (Title 42-B) requested by the City Council to address replacement of existing buildings and provide a connection and clarification of the relationship between Title 42 and Title 42-B.

February 1, 2012 – TMAPC work session to present and discuss the proposed Regulating Plan for the balance of the Pearl District. TMAPC instructed the staff to advertise for a public hearing to consider the proposed Regulating Plan.

February 1, 2012 – TMAPC recommended approval of the proposed amendment to Title 42-B to allow reconstruction of existing buildings that were destroyed by catastrophic events without compliance with the FBC, eliminated Section 102 C., and added "E. Where the Title (42-B) is silent applicable provisions of Title 42 shall control."

April 4, 2012 – The public hearing for the TMAPC consideration of the proposed Regulating Plan for the balance of the Pearl District. Twenty-four speakers expressed opinions either in support of the proposed plan, or in opposition to it or that more study was needed due to questions that were raised by the Plan. The TMAPC continued the public hearing to June 6, 2012 and set a further work session on May 16, 2012 to discuss the comments raised and receive additional input.

May 16, 2012 – TMAPC work session to present and discuss the proposed Regulating Plan for the balance of the Pearl District. Staff was directed to work with the City Planning Department to summarize comments made at today's meeting and present options at the June 6, 2012 TMAPC Meeting.

June 6, 2012 - The TMAPC voted to continue the Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma to August 1, 2012. TMAPC additional agreed and voted to hold an additional work session on June 20, 2012 to discuss the Form-Based Code Regulating Plan for the Pearl District and give the staff a unified direction.

June 20, 2012 – TMAPC work session to discuss the Form-Based Code Regulating Plan. Staff was directed to place this item under Other Business on the July 11, 2012 TMAPC agenda for determination of direction to staff.

July 11, 2012 – TMAPC Other Business - The Planning Commission (PC) will make a determination and direct PC staff and City of Tulsa Planning Staff of what steps to take next regarding the Form-Based Code. TMAPC directed the City Planning Staff to

conduct a public input meeting on July 24, 2012, for the Form-Based Code Regulating Plan.

July 24, 2012 - Public Input Meeting for the Form-Based Code Regulating Plan.

August 1, 2012 – Public Hearing to adopt the Form-Based Code Regulating Plan. After a presentation from the City Planning Department, TMAPC staff and input from interested parties, the TMAPC voted to continue the public hearing to September 5, 2012.

# (Published in the Tulsa Daily Commerce & Legal News,

November 8 , 2011)

ORDINANCE NO. 22551

AN ORDINANCE IMPLEMENTING THE PILOT PROJECT FOR THE PEARL DISTRICT, PROPERTY LOCATED ON 6TH STREET TO 11TH STREET AND PEORIA TO THE EAST LEG OF THE IDL, REZONING SAID PROPERTY AS MORE PARTICULARLY HEREINAFTER DESCRIBED, FROM RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 CLASSIFICATIONS TO AN FBC (Form Based Code) CLASSIFICATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

## BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. All existing ordinances imposing zoning classifications upon the property commonly referred to as Tulsa's "Pearl District," generally located on 6th Street to 11th Street and Peoria to the East leg of the IDL be and the same are hereby repealed, and the following described property, to wit:

Beginning at the intersection of the centerlines of E. 5<sup>th</sup> Pl. S. and S. Peoria Ave.; Thence South along the centerline of S. Peoria Ave. to the centerline of E. 11<sup>th</sup> St. S.; Thence West along the centerline of E. 11<sup>th</sup> St. S. to the East Right-of-Way line of Highway 75; Thence North along said Right-of-Way line to a point aligned with the centerline of the alleyway of Block 11, Central Park Place Addition; Thence East along the centerline of said alleyway to the centerline of S. Norfolk Ave.; Thence North along the centerline of S. Norfolk Ave. to the centerline of E. 5<sup>th</sup> Pl. S.; Thence East along the centerline of E. 5<sup>th</sup> Pl. S. to the Point of Beginning; Section 1. T-19-N. R-12-E; City of Tulsa, Tulsa County, Oklahoma;

AND an area described as follows: Beginning at the intersection of the centerlines of E. 5<sup>th</sup> Pl. S. and S. Peoria Ave.; Thence South along the centerline of S. Peoria Ave. 506 ft.; Thence East 168 ft.; Thence South 150 ft.; Thence West 168 ft.; Thence North to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma;

AND an area near the intersection of E. 11<sup>th</sup> St. S. and S. Peoria Ave. more particularly described as follows: Beginning at the intersection of the

Z-7176 10/18/11 centerlines of E. 11st St. S. and S. Peoria Ave.; Thence North 130 ft.; Thence East 168 ft.; Thence South 130 ft.; Thence West to the Point of Beginning; Section 6, T-19-N, R-13-E; City of Tulsa, Tulsa County, Oklahoma

located in an area generally southeast of South Madison Avenue and East 5<sup>th</sup> Place and an area generally southwest of South Peoria Avenue and East 5<sup>th</sup> Place; and an area generally northeast and northwest of South Peoria Avenue and East 11<sup>th</sup> Street South; and an area generally northeast of Hwy 75 and East 11<sup>th</sup> Street South; and an area northeast and southeast of the intersection of East 6<sup>th</sup> Street and South Peoria Avenue (Z-7176), be and the same is hereby rezoned from RS-3/RM-2/RM-3/OL/OM/PK/CS/CH/IL/PUD-629 Classifications to FBC (Form Based Code) Classification.

Section 2. This rezoning is enacted pursuant to a public hearing conducted by the Tulsa Metropolitan Area Planning Commission, as set forth within the record and minutes of the Commission meeting of August 3, 2011, and approved by the City Council on October 13, 2011.

Section 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 4. That because the rezoning hereby enacted is essential to the proper and orderly growth and development of the City of Tulsa and the area contiguous thereto, an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication.

ADOPTED by the Council:OCT 2	Chairman of the Council
ADOPTED as an emergency measure:	Date
	N/A Chairman of the Council

Z-7176 10/18/11 VVe

# OFFICE OF THE MAYOR

Received by the Mayor:		it
	Date	Time
	De	ewey F. Bartlett Jr., Mayor
	By:	
		Secretary
APPROVED by the Mayor of the	: City of Tulsa, Oklah	oma,OCT 25 201f
at		Date
Time	Allung	7 Balltttt
(Scalf 1		Mayor W
ATTEST S	APPROVED	<b>)</b> :
2 Marchan	Jan Den	Jadon 11/1/11
City Clerk	Deputy C	ity Attorney VVe

(Published in the Tulsa Daily Commerce & Legal News,

July 27, 2011.)
ORDINANCE NO. 22473

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING CHAPTER 2. TITLED "GENERAL PROVISIONS"; AMENDING SECTION 200 TITLED "ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED"; ADDING A NEW "FORM-BASED CODE DISTRICT" CLASSIFICATION, DESIGNATED BY THE ABBREVIATION "FBC"; PROVIDING THAT FORM BASED CODE DISTRICTS ARE REGULATED BY TITLE 42-B AND ONLY BY TITLE 42 TULSA REVISED ORDINANCE TO THE EXTENT PROVIDED FOR IN TITLE 42-B; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

#### BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 2, Section 200, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

## "Section 200. Zoning and supplemental zoning districts established.

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

AG	Agriculture District
RE	Residential Single-Family, Estate District
RS-1	Residential Single-Family Low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RS-4	Residential Single-Family Highest Density District
RD	Residential Duplex District
RT	Residential Townhouse District
RM-0	Residential Multifamily Lowest Density District
RM-1	Residential Multifamily Low Density District
RM-2	Residential Multifamily Medium Density District
RM-3	Residential Multifamily High Density District
RMH	Residential Manufactured Home District
PK	Parking District

PTB

20110628 #42-200 FINAL.doc 06/28/2011

OL	Office Low Intensity District
ОМ	Office Medium Intensity District
ОМН	Office Medium - High Intensity District
ОН	Office High Intensity District
CS	Commercial Shopping Center District
CG	Commercial General District
СН	Commercial High Intensity District
CBD	Central Business District
CO	Corridor District
SR	Scientific Research and Development District
IL	Industrial Light District
IM	Industrial Moderate District
IH	Industrial Heavy District
PUD	Planned Unit Development (Supplemental Zoning District)
HP	Historic Preservation District (Supplemental Zoning District)
FBC*	Form Based Code District

<sup>\*</sup> Form Based Code Districts are regulated by Title 42-B and only by this Code to the extent provided in Title 42-B"

Ord. Nos. 17689

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

hairman of the Council

PTB

ADOPTED as an emergency measure:  JUL 14 2011  Chairman of the Council
OFFICE OF THE MAYOR
Received by the Mayor:, at  Date Time
Dewey F. Bartlett Jr., Mayor
BySecretary
APPROVED by the Mayor of the City of Tulsa, Oklahoma: JUL, i 9 2000
at Time  Austa humanoan
(Seal) ATTEST:
City Clerk
APPROVED:
gen Ken Shoden 1/21/11
Danty City Attorney

15.15



## MEMORANDUM PLANNING AND ECONOMIC DEVELOPMENT

DATE:

August 30, 2012

TO:

Josh Walker, Chairman, Tulsa Metropolitan Area Planning Commission

FROM:

Dawn Warrick, Director, Department of Planning & Economic Development

SUBJECT:

Staff Recommendation

Dear Chairman Walker,

The City of Tulsa Planning Department has reviewed and does support the staff recommendation submitted to the TMAPC by INCOG. We encourage the Planning Commission to adopt the revised Regulating Plan as recommended.

City and INCOG staffs believe that adoption of the revised Regulating Plan is a predictable, logical, and necessary next step in the implementation of the 6<sup>th</sup> Street Infill Plan. This will make it possible to ensure that land use in and around urban corridors, flood control facilities, and transit-oriented development sites can develop according to plan.

15.16

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	14	15	16	17	18
81 - 41 ngl			11:00am 1:00pm TMAPC Training Session (Undertermined) 1:30pm 2:00pm TMAPC Meeting (City Hall, 175 E 2nd Street, 2nd 2:00pm 4:00pm TMAPC Work Session (City Hall, 175 E 2nd Str		
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Feb 18 - 22	Presidents Day		11:00am 1:00pm TMAPC Training Session (Undertermined) 1:30pm 2:00pm TMAPC Meeting (City Hall, 175 E 2nd Street, 2nd 2:00pm 4:00pm TMAPC Work Session (City Hall, 175 E 2nd Str		
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Dec 30 - 18n 3	16.12	New Year's Eve			
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