TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2684
October 15, 2014, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Worksession Report: Work session will be held at 11:00 a.m. on November 5, 2014

Director's Report:
Review TMAPC receipts for the month of August 2014

1. Minutes of October 1, 2014, Meeting No. 2683

CONSENT AGENDA:

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

2. LS-20725, (Lot-split) (County) - Location: South of southwest corner of East 116th Street North and US Highway 75, (related to LC-616)

3. LC-616, (Lot-combination) (County) - Location: South of southwest corner of East 116th Street North and US Highway 75, (related to LS-20725)

4. LC-617, (Lot-combination) (CD-2) - Location: North of northwest corner of South 32nd West Avenue and West 47th Street South

5. LS-20727, (Lot-split) (County) - Location: East of southwest corner of East 131st Street North and North 89th East Avenue

6. LC-618, (Lot-combination) (County) - Location: North of northwest corner of West 59th Street South and South 170th West Avenue

7. LS-20728, (Lot-split) (CD-2) - Location: West of West 78th Street South and South Union Avenue
8. **LS-20729**, (Lot-split) (County) - Location: North of northeast corner of West 61\textsuperscript{st} Street South and South 85\textsuperscript{th} West Avenue, (County) (related to LC-619)

9. **LC-619**, (Lot-combination) (County) - Location: North of northeast corner of West 61\textsuperscript{st} Street South and South 85\textsuperscript{th} West Avenue, (related to LS-20729)

10. **LS-20730**, (Lot-split) (County) - Location: Northeast corner of East 136\textsuperscript{th} Street North and North 90\textsuperscript{th} East Avenue

11. **LS-20731**, (Lot-split) (CD-6) - Location: South of the southwest corner of East Admiral Place and South 193rd East Avenue, (related to LC-620)

12. **LC-620**, (Lot-combination) (CD-6) - Location: South of the southwest corner of East Admiral Place and South 193\textsuperscript{rd} East Avenue, (related to LS-20731)

13. **Amendment to Covenants** – The Walk, Location: Southeast corner of Highway 75 and West 81\textsuperscript{st} Street South, (CD 2)

14. **PUD-717-2 – Sack & Associates, Inc./Ted Sack**. Location: South of southwest corner of East 116\textsuperscript{th} Street North and North 44\textsuperscript{th} East Avenue, requesting a PUD Minor Amendment to reallocate floor area within Tract B, IL/PUD-717, (County)

15. **PUD-686-10 – Mike Hughes Architect**. Location: Southeast corner of South Oswego Avenue and East 118\textsuperscript{th} Boulevard, requesting a PUD Minor Amendment to reduce the rear yard setback from 20 feet to 10 feet, RS-2/PUD-686, (CD-8)

16. **PUD-636-C – Cedar Creek Consulting/Jason Emmett**. Location: Northeast corner of West 81\textsuperscript{st} Street South and South Union Avenue, requesting PUD Detail Site Plan for a new hotel within the PUD, CO/PUD-636, (CD-2)

17. **AC-130 – J.R. Donelson**. Location: West of 145\textsuperscript{th} East Avenue on the south side of Pine, requesting an Alternative Compliance Landscape Plan for an unoccupied storage building, (CD-3)

18. **AC-131 – AAB Engineering, LLC/Alan Betchan**. Location: Southwest corner of South Memorial Drive and East Admiral Place, requesting an Alternative Compliance Landscape Plan in lieu of the requirement for all parking spaces to be placed within 50 feet of a landscape area with a tree, CH, (CD-3)

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**
COMPREHENSIVE PLAN PUBLIC HEARINGS:

19. **CPA-31 – Eller & Detrich/Lou Reynolds**, Location: South and east of the southeast corner of South Memorial Drive and East Admiral Place, requesting Amendment to The Comprehensive Plan for an employment land use designation, **OL/CH/CS to CH/PUD**, (CD-3) (Related to Z-7282 and PUD-820)

**PUBLIC HEARINGS:**

20. **Z-7282 – Eller & Detrich/Lou Reynolds**, Location: South and east of southeast corner of South Memorial Drive and East Admiral Place, requesting a rezoning from **OL/CS/CH to CH**, (CD-3) (Related to CPA-31 and PUD-820)

21. **PUD-820 - Eller & Detrich/Lou Reynolds**, Location: South and east of southeast corner of South Memorial Drive and East Admiral Place, requesting a PUD for a beverage warehouse and distribution center, **OL/CS/CH to CH/PUD**, (CD-3) (Related to CPA-31 and Z-7282)

22. **Z-7248 - Plat Waiver**, Location: 13742 East Pine, (CD-3)

23. **PUD-815 – Costco Wholesale/Michael Okuma**, Location: Northwest corner of East 103rd Street and South Memorial Drive, requesting a Landscape Plan for a new retail building and gas station within the PUD, **CS/PUD-815**, (CD-8)

24. **Z-7270 – 120 Development Group, LLC/Will Wilkins**, Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, Requesting rezoning from **RS-4 to RM-2**, (CD-1) (Continued from 6/18/14 and 10/1/14) (Related to PUD-818)

25. **PUD-818 – 120 Development Group, LLC/Will Wilkins**, Location: Northwest corner of West Haskell Place and North Cheyenne Avenue, requesting a PUD for a multifamily residential project limited to 16 dwelling units, **RS-4/RM-2/PUD**, (CD-1) (Related to Z-7270)

26. **CZ-435 – Smalygo Properties, Inc.**, Location: North of the northwest corner of North Garnett Road and East 176th Street North, requesting rezoning from **AG to RE**, (County)

27. **Z-7283 – Bart C. James**, Location: West of southwest corner of East 31st Street and South Garnett Road, requesting a rezoning from **OL/CS to CS**, (CD-6) (Related to Z-7283 Plat Waiver)

28. **Z-7283 – Plat Waiver**, Location: 10910 East 31st Street, (CD-6) (Related to Z-7283 rezoning)
29. **CZ-436 – Carson Law Firm PLLC/Barbara Carson**, Location: North of northwest corner of North Yale Avenue and East 126th Street North, requesting a rezoning from AG to CG, (County) *(Applicant has requested a continuance to November 19, 2014)* (Related to PUD-821)

30. **PUD-821 - Carson Law Firm PLLC/Barbara Carson**, Location: North of northwest corner of North Yale Avenue and East 126th Street North, requesting a PUD, AG to CG/PUD, (County) *(Applicant has requested a continuance to November 19, 2014)* (Related to CZ-436)

31. **PUD-822 – Eller & Detrich/Lou Reynolds**, Location: South and west of the southwest corner of South 129th East Avenue and East 101st Street South, requesting a PUD for zero lot-line single-family homes with private street and gated entry, RM-0/RS/CS to RS/RM-0/CS/PUD, (County)

32. **PUD-717-A – Sack & Associates, Inc./Ted Sack**, Location: South of southwest corner of East 116th Street and North 44th East Avenue, requesting a PUD Major Amendment to Abandon portions of PUD-717 (Tract B-1), IL/PUD-717 to IL/PUD-717-A, (County)

**OTHER BUSINESS**

33. **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 cell phones and pagers must be turned off during the Planning Commission.

Visit our website at [www.tmapc.org](http://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.
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| TOTAL                                      |       | $13,322.50| $7,972.50  | $21,295.00     |           | $26,966.50 | $16,266.50     | $43,233.00     |

| LESS WAIVED FEES *                         |       | $0.00     | $0.00      | $0.00          |           | $0.00      | $0.00          | $0.00          |

| GRAND TOTALS                                |       | $13,322.50| $7,972.50  | $21,295.00     |           | $26,966.50 | $16,266.50     | $43,233.00     |

* Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers.
Dear Diane: Tulsa Metropolitan Area Planning Commission in Case No. Z 7164-SP-1-b approved a Minor Amendment to the Corridor Plan for the Subdivision modifying the Corridor Development Standards and eliminated the requirement that cisterns be used within the Subdivision and that a landscaped median be installed in South Olympia Avenue.

The First Amendment amends the Deed of Dedication by deleting the requirement that cisterns be used in the Subdivision and that a landscaped median be installed in South Olympia Avenue. The First Amendment also addresses an ambiguity in the Mutual Access Easement between Lots 7 and 8, as shown on the Plat, allowing its use for emergency vehicular and pedestrian access purposes. Let me know if you need anything else. Best regards, Lou Reynolds

R. Louis Reynolds

2727 E. 21st Street, Ste 200
Tulsa, Oklahoma 74114-3533

(918) 747-8900 phone
(866) 547-8900 toll free
(918) 392-9407 e-fax
rlreymonds@EllerDetrich.com

www.EllerDetrich.com

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Before noon Wednesday please?

R. Louis Reynolds
AMENDMENT TO THE DEED OF DEDICATION & RESTRICTIVE COVENANTS
OF
THE WALK AT TULSA HILLS

THIS AMENDMENT TO DEED OF DEDICATION & RESTRICTIVE COVENANTS
(this “Amendment”) is entered into to be effective as of the ___ day of __________, 2014.

RECITALS:

A. On March 19, 2014, 81 BeeVest L.L.C., an Oklahoma limited liability company
(“Original Owner”), entered into that certain Deed of Dedication & Restrictive Covenants
(the “Deed of Dedication”), which Deed of Dedication was recorded on June 12, 2014 in the
Office of the Tulsa County Clerk, and which Deed of Dedication is for THE WALK AT TULSA
HILLS, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the
Final Plat of The Walk at Tulsa Hills recorded as Plat No. 6543 (the “Subdivision”) in the Office
of the Tulsa County Clerk.

B. Original Owner sold (i) Lots 1-4, 7 and 8 and the Reserves of the Subdivision
to Walk at Tulsa Hills, LLC, a Tennessee limited liability company (“WTH”) and (ii) Lots 5-6
of the Subdivision to Tulsa Funding Partners, LLC, a Tennessee limited liability company
(“TP”) (WTH and TP are referred to herein, collectively, as the “Developer”).

C. On June 18, 2014, the Tulsa Metropolitan Area Planning Commission in Case
No. Z-7164-SP-1-b approved a Minor Amendment to the Corridor Plan for the Subdivision
modifying the Corridor Development Standards and eliminated the requirement that cisterns be
used within the Subdivision and that a landscaped median be installed in South Olympia Avenue.

D. Developer desires to amend the Deed of Dedication as more particularly provided
hereinbelow.

AMENDMENT:

NOW, THEREFORE, in consideration of the foregoing, the adequacy and receipt of
which is hereby acknowledged as consideration, the Developer, as the owner of all of the Lots in
the Subdivision, hereby amends the Deed of Dedication as follows:

1. Section I.1., Mutual Access Easement., of the Deed of Dedication is hereby
amended by deleting Section I.1.2., in its entirety and replacing it with the following:

"2. The Mutual Access Easement located in Lot Seven (7) and Lot Eight (8) is also hereby established for the sole purpose of permitting emergency vehicular
and pedestrian access upon, over and across such Mutual Access Easement to and
from Olympia Avenue and West 83rd Street South to and from Hyde Park, a
Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the
recorded plat thereof ("Hyde Park") and the Subdivision as more particularly
described in Section II below."
2. Section II.B.11., Landscaping and Screening., of the Deed of Dedication is hereby amended by deleting Section II.B.11., in its entirety and replacing it with the following:

“11. A minimum of ten percent (10%) of the net land area shall be improved as internal landscape open space. Long life trees and other landscape materials of native and other environmentally appropriate species will be provided to aid water recharge and water runoff retardation and provide a meaningful urban forest. Landscape material will also be utilized to screen parking and service areas. South Olympia Avenue will have extensive landscaping creating a meaningful streetscape. Street yard and parking area landscape will substantially conform to the Conceptual Landscape Plan as shown in Exhibit “A” for the Application for Corridor Development Plan Approval in Z-7164-SP-1, or as the same may be amended and approved by the TMAPC.”

3. Section II.B.13., Access and Circulation., of the Deed of Dedication is hereby amended by deleting Section II.B.13.A., in its entirety and replacing it with the following:

“A. Emergency Vehicular and Pedestrian Access to and from Hyde Park. Emergency vehicular and pedestrian access only between Lot Seven (7) and Lot Eight (8) and Hyde Park shall be provided on, over and across the drive to be constructed within the Mutual Access Easement in such lots as depicted on the accompanying Plat and may thereafter be reconfigured within such lots, provided that should the Mutual Access Easement be reconfigured it will in all events extend from the point of intersection of the private street within Hyde Park to the southerly boundary of Lot Seven (7) to Olympia Avenue or to West 83rd Street South. Such pedestrian access rights shall include the owners of the lots within Hyde Park together with their guests and invitees.”

Except as amended hereby, all of the other terms, conditions and provisions of the Deed of Dedication shall remain the same.

Dated on the day and year first above written.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.

SIGNATURE PAGES TO FOLLOW.
DEVELOPER:

WALK AT TULSA HILLS, LLC
a Tennessee limited liability company

By: ________________________________
Gary W. Parkes
Its President

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

This instrument was acknowledged before me this _____ day of ____________, 2014, by Gary W. Parkes, the President of WALK AT TULSA HILLS, LLC, a Tennessee limited liability company.

______________________________
Notary Public
My Commission Expires: ____________________________

[NOTARIAL SEAL]

TULSA FUNDING PARTNERS, LLC
a Tennessee limited liability company

By: ________________________________
Gary W. Parkes
Its Vice President

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

This instrument was acknowledged before me this _____ day of ____________, 2014, by Gary W. Parkes, the Vice President of TULSA FUNDING PARTNERS, LLC, a Tennessee limited liability company.

______________________________
Notary Public
My Commission Expires: ____________________________

[NOTARIAL SEAL]
Approved on this _____ day of ________, 2014.

APPROVED AS TO FORM:

By: ___________________________ By: ___________________________
    Assistant City Attorney            Chairman

TULSA METROPOLITAN AREA
PLANNING COMMISSION
**TMAPC**

**Tulsa Metropolitan Area Planning Commission**

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<th>Case Number:</th>
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**Case Report Prepared by:**

Jay Hoyt

**Owner and Applicant Information:**

Applicant: Sack and Associates, Ted Sack

Property Owner: 75 North Center LLC

**Location Map:**

(Shown with County Commission Districts)

![Location Map Image]

**Applicant Proposal:**

Concept summary: PUD minor amendment to reallocate floor area within Tract B

Gross Land Area: 7.7 Acres

Location: South of the SW Corner of East 116th Street North and North 44th East Avenue

Part of Lot 2, Block 1 of 75 North Center

**Zoning:**

Existing Zoning: IL/PUD-717

Proposed Zoning: No Change

**Comprehensive Plan:**

Land Use Map: N/A

Growth and Stability Map: N/A

**Staff Data:**

TRS: 21-13-09

CZM: 10

Atlas: 0

**Staff Recommendation:**

Staff recommends approval.

**City Council District:** N/A

Councilor Name: N/A

**County Commission District:** 1

Commissioner Name: John Smaligo
SECTION I: PUD-717-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD to reallocate floor area within Tract B.

This application is related to Case Number PUD-717-A to abandon a portion of PUD-717. Tract B will be divided into Tract B-1 and B-2. Pending approval of PUD-717-A, Tract B-1 will no longer be a portion of PUD-717.

Currently the maximum floor area for Tract B is 35,000 sf. The applicant proposes to reallocate the maximum floor area as follows:

Maximum Allowable Floor Area: Tract B-1: 0 sf
                               Tract B-2: 35,000 sf

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

2) All remaining development standards defined in PUD-717 shall remain in effect.

Exhibits included with staff recommendation:

INCOG zoning case map
INCOG aerial photo
Applicant Site Plan
Applicant Legal Description

With considerations listed above, staff recommends approval of the minor amendment request to reallocate floor area within Tract B.
LEGAL DESCRIPTION  
(TRACT B1)

A TRACT OF LAND THAT IS PART OF LOT 2 IN BLOCK 1 OF "75 NORTH CENTER" A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NUMBER 5934 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N 01°26'00" W ALONG THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET; THENCE S 88°34'32" W AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 2 FOR 654.51 FEET; TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 88°34'32" W FOR 144.49 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 2; THENCE S 88°34'32" W ALONG SAID SOUTHERLY LINE FOR 457.63 FEET TO THE SOUTHWEST CORNER OF LOT 2; THENCE N 01°24'11" W ALONG THE WESTERLY LINE OF LOT 2 FOR 570.10 FEET TO THE NORTHWEST CORNER OF LOT 2; THENCE S 83°50'37" E ALONG THE NORTHERLY LINE OF LOT 2 FOR 607.14 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 98.51 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 262,516 SQUARE FEET OR 6.0265 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE RECORDED PLAT OF "75 NORTH CENTER".

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON AUGUST 6, 2014. (CA NO. 1783)
LEGAL DESCRIPTION
(TRACT B2)

A TRACT OF LAND THAT IS PART OF LOT 2 IN BLOCK 1 OF "75 NORTH CENTER" A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NUMBER 5934 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N 01°26'00" W ALONG THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 88°34'32" W AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 2 FOR 654.51 FEET; THENCE N 01°26'00" W AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 98.51 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 2; THENCE N 88°39'23" E ALONG THE NORTHERLY LINE OF LOT 2 FOR 651.70 FEET TO THE NORTHEAST CORNER OF LOT 2; THENCE S 23°03'00" E ALONG THE EASTERLY LINE OF LOT 2 FOR 7.62 FEET; THENCE S 01°26'00" E ALONG SAID EASTERLY LINE FOR 90.50 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 64,162 SQUARE FEET OR 1.4730 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE RECORDED PLAT OF "75 NORTH CENTER".

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON AUGUST 6, 2014. (CA NO. 1783)
<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th>Jay Hoyt</th>
</tr>
</thead>
</table>
| **Owner and Applicant Information:** | Applicant: Mike Hughes, Architect  
Property Owner: Ryan Marshall |
| **Location Map:** | (shown with City Council Districts) |
| **Applicant Proposal:** | Concept summary: PUD minor amendment to reduce the rear yard setback from 20 ft to 10 ft  
Gross Land Area: 0.2 Acres  
Location: SE Corner of South Oswego Avenue and East 118th Boulevard  
Lot 1, Block 2 Wind River  
11862 South Oswego Avenue |
| **Zoning:** | Existing Zoning: RS-2/PUD-686  
Proposed Zoning: No Change |
| **Comprehensive Plan:** | Land Use Map: Existing Neighborhood Growth and Stability Map: Stability |
| **Staff Data:** | TRS: 8333  
CZM: 56  
Atlas: 0 |
| **Staff Recommendation:** | Staff recommends approval. |
| **City Council District:** | 8 |
| **Councilor Name:** | Phil Lakin |
| **County Commission District:** | 3 |
| **Commissioner Name:** | Ron Peters |
SECTION I: PUD-686-10 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD to reduce the required rear yard setback from 20 ft to 10 ft for Lot 1, Block 2.

For this lot, the rear yard is considered to be the southern yard, adjacent to South Delaware Avenue.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

2) All remaining development standards defined in PUD-686 shall remain in effect.

Exhibits included with staff recommendation:

INCOG zoning case map
INCOG aerial photo
INCOG aerial photo (enlarged)
Applicant Site Plan
Applicant email confirming neighborhood association approval of setback change

With considerations listed above, staff recommends approval of the minor amendment request to reduce the required rear yard setback from 20 ft to 10 ft for Lot 1, Block 2.

15.2
Here it is

Ryan Marshall, DC

www.MarshallChiropractic.com

Begin forwarded message:

Hello Ryan:

The board met last night and agreed with the ARC to OK the building line issue. However, the ARC still needs to see the final plans and specs. If you will email them to me, I will distribute to the ARC members for review.

Sharon

From: drmmarshall@marshallchiropractic.com [mailto:drmmarshall@marshallchiropractic.com]
Sent: Wednesday, September 17, 2014 3:00 PM
To: sharon@collins-associates.net
Subject: question

Hello Sharon,

I was wondering if the neighborhood assoc had time to look at the building line that we submitted to you a week or two ago. Thank you!

Ryan Marshall

(918) 850-5147
**Case Number:** PUD-636-C
**Detail Site Plan**

**Hearing Date:** October 15, 2014

**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
Applicant: Cedar Creek Consulting - Jason Emmett
Property Owner: Tulsa Hills Hospitality, LLC – Robert Patel

**Location Map:**
(shown with City Council Districts)

**Applicant Proposal:**
Detailed Site Plan: Plan represents details for a new Hotel within the PUD.

- Gross Land Area: 2.64 Acres
- Location: Northeast Corner West of 81st Street South and South Union Avenue
- Lot 2, Block 1 of Nickel Creek Phase 4
- Development Area G

**Zoning:**
Existing Zoning: CO/PUD-636-C
Proposed Zoning: No Change

**Comprehensive Plan:**
Land Use Map: Regional Center Growth and Stability Map: Growth

**Staff Data:**
- TRS: 18-11-14
- CZM: 57
- Atlas: 887

**Staff Recommendation:**
Staff recommends approval.

Approval is dependent upon the approval of the plat for Nickel Creek Phase 4.

**City Council District:** 2
**Councilor Name:** Jeannie Cue

**County Commission District:** 2
**Commissioner Name:** Karen Keith
SECTION I: PUD-636-C Detailed Site Plan

STAFF RECOMMENDATION

CONCEPT STATEMENT:
The applicant is requesting detail site plan approval on a 2.64 Acre site in a Planned Unit Development for a new Hotel including one, four story building to be located in Development Area G.

PERMITTED USES:
The PUD and Corridor Development Plan establishes the uses as those allowed by right in a CS zoning district. As permitted by right in a CS district, including nightclub and/or bar if located within a principal hotel or motel building, but excluding other Use Unit 12A uses. The proposed Retail Building is allowed as a matter of right.

DIMENSIONAL REQUIREMENTS:
The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:
The new building meets all applicable architectural guidelines in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:
The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

LIGHTING:
Site lighting plans are provided. All parking lot lighting shall be hooded and directed downward and away from residential areas.

SIGNAGE:
The site plan illustrates new signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:
The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the
Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:
The plan displays existing sidewalks along West 80th Street South. Internal circulation pathways are also shown to be provided on the site adjacent to the building.

MISCELLANEOUS SITE CONSIDERATIONS:
There are no concerns regarding the development of this area.

SUMMARY:
Staff has reviewed the applicant's submittal of the site plan as it relates to the approved PUD-636-C. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Exhibits included with staff recommendation:

INCOG zoning case map
INCOG aerial photo
Applicant Site Plan
Applicant Landscape Plan (for reference only)
Applicant Exterior Elevations
Applicant Photometric Plan
Applicant Trash Enclosure Details

Staff recommends APPROVAL of the detail site plan for the proposed new hotel. Approval of this detail site plan is dependent upon the approval of the plat for Nickel Creek Phase 4.

(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)
**Case #**: AC-130  
**Alternative Compliance Landscape Plan**  
**Hearing Date**: October 15, 2014

**Case Report Prepared by**:  
Dwayne Wilkerson

**Owner and Applicant Information**:  
Applicant: JR Donelson  
Property Owner: AMR Properties, LLC

**Location Map**:  
(shown with City Council Districts)

**Applicant Proposal**:  
Concept summary:  
Request for Alternative Compliance Landscape Plan for unoccupied storage building. No water or sewer service is being installed for this new building. Existing mature trees are being saved.

Net Land Area:  
3.5 Acres

Location:  
West of 145th E. Avenue on the south side of Pine.  
13742 East Pine Street

**Zoning**:  
Existing Zoning: IL  
Proposed Zoning: No Change

**Comprehensive Plan**:  
Land Use Map: Employment  
Growth and Stability Map: Growth

**Staff Recommendation**:  
Staff recommends approval.

The request provides satisfactory alternative plans for the Landscape standards of Chapter of the Tulsa Zoning Code

**Staff Data**:  
TRS: 0433  
CZM: 38  
Atlas: 369

**County Commission District**: 1  
Commissioner Name: John Smaligo

**City Council District**: 3  
Councilor Name: David Patrick
AC-130 ALTERNATIVE COMPLIANCE LANDSCAPE PLAN

SECTION I:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a proposed new concrete equipment and supply building that will not be served with water or sewer service.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code for the following reasons:

1) The parking spaces for the storage lot will not be within 50 feet of a required landscaped area, as required by section 1002.B.1 of the Code.

2) The site does not provide required street yard trees as required by Section 1002.C.1 of the Code.

3) The site is required to have one tree for three parking spaces.

4) The site cannot be irrigated, there is no water service to the site and none is anticipated.

5) The parking will be constructed without a concrete curb or other protection adjacent to the landscape areas.

In exchange for development of the site that would meet the provisions of the code noted above the applicant has voluntarily agreed to protect the existing trees as shown on the plan and provide water when appropriate from off site.

Any gravel between Pine and the proposed building will be removed and replaced with 6" of topsoil and covered with sod. The sod will be watered manually until established.

The code allows the Planning Commission to approve Alternative Compliance Landscape Plans that do not meet the technical requirements of Chapter 10 of the code, so long as the submitted plan is, "equivalent to or better than" the requirements of Chapter 10.

The subject property is zoned IL. Chapter 10 of the Code states that 15% of the street yard on non-residential lots shall be landscaped. The alternative compliance landscape plan provides 100% landscaped area in the street yard, and saves 9 existing trees larger than 6" diameter which provides a credit of 18 trees.

In lieu of placing 5 new trees the applicant request saving the existing trees and provides front yard improvements. The existing trees, even though they are all along the east fence line, provide a more significant urban forest than would be created if the
a few trees were scattered through the site. This design solution provides greater benefit to the property by providing meaningful shade and wildlife habitat.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan "be equivalent or better than" the technical requirements of Chapter 10 of the code and recommends APPROVAL of Alternative Compliance Landscape Plan AC-130.

SECTION II: Applicants text and landscape plan are included as attachments.
All existing gravel between Pine Street and the proposed new building will be removed and replaced with 6" of topsoil and sod. Sod will be watered manually until established.
**Case Report Prepared by:**
Dwayne Wilkerson

**Location Map:**
(shown with City Council Districts)

**Case #:** AC-131  
**Alternative Compliance Landscape Plan**

**Hearing Date:** October 15, 2014

**Owner and Applicant Information:**
Applicant: AAB Engineering (Alan Betchen)  
Property Owner: QuikTrip Corporation

**Applicant Proposal:**
Concept summary: Request for Alternative Compliance Landscape Plan in lieu of the requirement for all parking spaces to be placed within 50 feet of a landscape area with a tree.

Net Land Area:  
1.6 Acres

Location:  
Southwest Corner of South Memorial Drive at East Admiral Place

**Zoning:**
Existing Zoning: CH  
Proposed Zoning: No Change

**Comprehensive Plan:**
Land Use Map: Town Center  
Growth and Stability Map: Growth

**Staff Data:**
TRS: 0433  
CZM: 31  
Atlas: 1238

**Staff Recommendation:**
Staff recommends approval.

The request provides satisfactory alternative plans for the Landscape standards of Chapter of the Tulsa Zoning Code

**County Commission District:** 2  
Commissioner Name: Karen Keith

**City Council District:** 3  
Councilor Name: David Patrick
AC-130 ALTERNATIVE COMPLIANCE LANDSCAPE PLAN

SECTION I:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a proposed new convenience store at the southwest corner of South Memorial at East Admiral Place North.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code for the following reasons:

1) The parking spaces for the storage lot will not be within 50 feet of a required landscaped area, as required by section 1002.B.1 of the Code.

In exchange for site development that would meet the provisions of the Landscape Chapter of the Tulsa Zoning Code noted above, the applicant has voluntarily agreed to provide an alternative compliance plan providing 13 trees and two landscape beds and full site irrigation that are part of the corporate identity for the QuikTrip Corporation.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan "be equivalent or better than" the technical requirements of Chapter 10 of the code and recommends APPROVAL of Alternative Compliance Landscape Plan AC-131.

SECTION II: Applicants text and landscape plan are included as attachments.
Case Number: CPA-31
Comprehensive Plan Amendment (related to Z-7282 & PUD-820)

Hearing Date: November 5, 2014

Owner and Applicant Information:
Applicant: Lou Reynolds
Property Owner: Couch Holdings, LLC

Applicant Proposal:
Existing Use: Vacant
Proposed Use: Beverage and Warehouse distribution facility
Tract Size: 25.79+ acres
Location: S and E of the SE/c of S. Memorial Dr. and E. Admiral Pl.

Staff Recommendation:
Staff recommends approval of the Employment land use designation, subject to approval of PUD-820 (with recommended development standards).

City Council District: 3
Councilor Name: David Patrick

County Commission District: 2
Commissioner Name: Karen Keith

Comprehensive Plan:
Existing Land Use Map: New Neighborhood (18.46 ac.) & Town Center (7.33 ac.)
Proposed Land Use Map: Employment

Growth and Stability Map: Area of Growth

Small Area Plan: East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 “412 Corridor”

Zoning:
Existing Zoning: OL, CH & CS
Proposed Zoning: CH/PUD
COMPREHENSIVE PLAN LAND USE MAP AMENDMENT REQUEST
S and E of the SE/c of S. Memorial Dr. and E. Admiral Pl. (CPA-31)

I. PROPERTY INFORMATION AND LAND USE REQUEST

| Existing Land Use: Town Center (west 7.33 acres) &
| New Neighborhood (east 18.46 acres) |
| Proposed Land Use: Employment |
| Location: S and E of the SE/c of S. Memorial Dr. and E. Admiral Pl. |
| Size: approx. 25.79 acres |

A. Background

The area that is subject to this Comprehensive Plan amendment application is located in an area in Tulsa that has historically been a mix of commercial, light industrial and residential uses. The subject site is vacant and is surrounded by established residential neighborhoods on the south and east and vacant properties on the north and west. This site and area immediately north/northeast were designated as a New Neighborhood and an Area of Growth when the Comprehensive Plan was adopted in 2010.

B. Existing Land Use/Area of Stability and Growth Designations (Tulsa Comprehensive Plan)

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, this area was designated as an Area of Growth:

"The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the
area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Town Center and New Neighborhood land use designations were assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

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

"The New Neighborhood Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.”

C. East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 “412 Corridor”

The East Tulsa neighborhood plan also recognizes this undeveloped land as an opportunity site for development. The plan’s “Detailed Area Plan” map (page 43) designates this site as a “vacant, undeveloped or underdeveloped Large Site” suitable for development. Plan recommendations include:

"G. Vacant, Undeveloped or Under-Developed Large Sites

"(1) There are several sites in the East Tulsa 412 Corridor Phase 2 Detailed Study Area that were considered by the East Tulsa Community Planning Team to be vacant, undeveloped, or underdeveloped. It is
recommended that these sites be developed in a manner that will support the overall goals and recommended policies of the East Tulsa Neighborhood Detailed Implementation Plan. The sites should be developed in accordance with the applicable District Plan and the "Metropolitan Development Guidelines".

“(3) The vacant and undeveloped lands are recognized as opportunity sites for development and extension of municipal services, particularly potable water and sanitary "sewerage service, are intended to be extended to these areas in a timely manner as possible. Potential uses and development considerations for vacant, undeveloped, and under-developed large sites are set forth in Appendix P – "Community Suggested Uses and Development P Improvements and Considerations" and Appendix Q – "Additional Vacant, Undeveloped, Under-Developed Property and Opportunity Sites". Also depicted are important considerations which should be taken into account when development of these sites is to occur. There are other development factors that must also be considered, but which have not been noted at in this study.

“(4) Should development of vacant and undeveloped property require new zoning, it is encouraged that the rezoning be coupled with a Planned Unit Development (P.U.D.) when the property is adjacent to existing and planned residential neighborhoods to help insure appropriate protection and buffering of the neighborhoods.”

(SOURCE: East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 “412 Corridor”; pages 36-37; 43.)

D. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing an Employment land use designation on the subject site.

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

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS, CH &amp; RS-2</td>
<td>Town Center &amp; New Neighborhood</td>
<td>Growth</td>
<td>vacant &amp; businesses</td>
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<tr>
<td>South</td>
<td>RS-1</td>
<td>Existing Neighborhood</td>
<td>Growth/ Stability</td>
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<td>East</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>single family residential</td>
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<tr>
<td>West</td>
<td>CS &amp; RS-2</td>
<td>Town Center</td>
<td>Growth</td>
<td>construction offices, church</td>
</tr>
</tbody>
</table>

F. Applicant’s Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. how conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. how changes have impacted the subject site to warrant the proposed amendment; and
3. how the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

“The subject property is the subject of rezoning in TMAPC case No. Z-7278 for rezoning to CH to be overlaid with PUD 820 for the development of a beverage warehouse and distribution facility.

The subject area is designated as “New Neighborhood” when most of the recent growth in the area has been more supportive of a land use designation of “Employment” based on the expansion of the commercial and industrial activities around the subject property.

The change in the land use designation to “Employment” from “New Neighborhood” will enhance the employment and development opportunities within the surrounding area and provide growth and economic development for the City of Tulsa.”

In addition, the applicant stated: “This property and case presents some planning challenges, particularly when planning, on a City wide basis like PlaniTulsa [aka Tulsa Comprehensive Plan]. At the time of PlaniTulsa, this area was slowing moving in a commercial direction. As to the property: it was a large tract of vacant land surrounded by a Super Wal-Mart, a construction company, an auto
repair shop and residences. So based on the size of the property alone, it was not too difficult then to classify the property as an “area of growth”. The land use plan classification was trickier. Without a detailed study of the area, the classification of “new neighborhood” was perhaps then a good enough solution. Had the property and area been analyzed on a more granular basis, what growth there was would have been determined to be trending toward employment and commercial activity. In the big picture that is still what is going on in the area today. Since PlaniTulsa, a residence on CH zoned property adjoining the property on the north was sold by the Assessor for taxes and promptly razed by the new owner. This property is vacant today. Perhaps the property was not properly classified in PlaniTulsa: the property was planned as an “area of growth”, which was correct, so it was further classified as a “new neighborhood” instead of “existing neighborhood” or “employment”. It is difficult to imagine the defining characteristics of a “new neighborhood” taking root on the property today. Also, the property was not and, the existing development pattern today is not an “existing neighborhood”. The major change in the area is the development opportunity presented by the warehouse project. The property is in an area of growth so, in the big picture, the plan is partially correct and this invites a more thorough analysis. It seems to me that PUD 820 is such a more thorough analysis and is the equivalent of a small area plan for the property and, as such, supports the proposed comprehensive plan amendment and rezoning.”

G. Staff Response:

As it exists today, this area is a mix of uses - residential, commercial and light industrial. Some of the larger residential lots to the north of the subject site, designated New Neighborhood (between the subject site and the Employment designation which fronts on Admiral Place), are vacant and transitioning to other uses. In fact, the 3 lots (formerly residential) immediately north that front on S. 85th E. Ave. are zoned CH. These 3 lots appear to have been incorrectly designated as New Neighborhood and should be addressed in the next round of housekeeping amendments. On the northeast border of the subject site are large lot residential uses, zoned RS-2, also designated as New Neighborhood. And, further north is a small stable, viable residential neighborhood designated as Existing Neighborhood.

To the south and east of the subject site are established single family residential neighborhoods with an Existing Neighborhood land use designation. The surrounding neighborhoods are the key consideration in this land use amendment request.

The existing mix of uses presents a challenge to the area in that there is a need to accommodate them without negatively impacting one another. Introducing a large new
Employment area on the subject site could be an asset or a detriment to the adjacent existing neighborhoods, depending on allowed uses and development standards adopted as part of the development proposal. Employment land use designations are located near Existing Neighborhoods in other locations in the City of Tulsa and provide both positive and negative examples to this situation.

As part of a Comprehensive Plan amendment request, an applicant is asked to explain how conditions around the site changed to warrant the amendment request or, alternatively argue that the existing land use designation was incorrectly assigned to the site. The applicant makes the case that this large site was clearly an Area of Growth, but not studied closely enough at that time to determine if the New Neighborhood land use designation was the most appropriate for the site. However, it was assigned this designation and the applicant states that this does not reflect the existing development pattern today.

Whether the existing New Neighborhood or proposed Employment land use designation is assigned to the subject site, the subject site needs to be developed as complementary to the existing area in a way that will strengthen the existing residential neighborhoods. Based on the development concept proposed by the applicant, with the recommended vehicular access, building placement, landscaping, buffering and trail system improvements, an Employment land use designation could be an appropriate designation for this site.

Therefore, the proposed land use designation of Employment, subject to the development standards recommended in the Planned Unit Development (PUD) would be appropriate, compatible and consistent with the surrounding area.

II. STAFF RECOMMENDATION

- Staff recommends approval of the Employment land use designation as submitted by the applicant, subject to approval of the recommended development standards in the Planned Unit Development (PUD-820)
**Case Report Prepared by:**
Dwayne Wilkerson

**Owner and Applicant Information:**
- **Applicant:** Lou Reynolds
- **Property Owner:** COUCH HOLDINGS LLC

**Location Map:**
(Shown with City Council Districts)

**Applicant Proposal:**
- **Present Use:** Vacant
- **Proposed Use:** Beverage warehouse and distribution center

**Concept Summary:** Z-7282 and CH zoning in conjunction with PUD 820 supports new a distribution center. A comprehensive plan land use map revision is also being processed for this site.

- **Tract Size:** 26+ acres
- **Location:** South and east of the southeast corner of South Memorial Drive and East Admiral Pl.

**Zoning:**
- **Existing Zoning:** OL/CS/CH
- **Proposed Zoning:** CH

**Comprehensive Plan:**
- **Land Use Map:** New Neighborhood, Town Center
- **Land Use Map:** New Neighborhood, Town Center (Applicant has requested Employment to support his request)
- **Stability and Growth Map:** Area of Growth

**Staff Recommendation:**
Staff recommends approval of Z-7282 for CH zoning only in conjunction with PUD 820.

**Staff Data:**
- **TRS:** 9301
- **CZM:** 38
- **Atlas:** 451

**City Council District:** 3
- **Councilor Name:** David Patrick

**County Commission District:** 2
- **Commissioner Name:** Karen Keith
SECTION I: Z-7282

DEVELOPMENT CONCEPT:

The Applicant proposes a beverage warehouse and distribution center on approximately 26 acres of land located East of South Memorial Drive and East 4th Place South.

The Applicant has operated in the metropolitan area since 1959 and today operates four separate warehouse and distribution centers in the metropolitan area. The Applicant desires to consolidate its business operations into a central site in order to become more efficient and has selected this site for development as a beverage warehouse and distribution center.

The Project has good access to the expressway system and arterial streets. Access to the Project shall be along South 85th East Avenue.

In order to adequately buffer and screen the Project from the existing single family developments to the north, east and south, the Project development standards provide for significant building setbacks exceeding 100 FT, an extensive landscape buffer between such residential areas and a Project screening fence. In order to maximize the effectiveness of the Project screening fence, such screening fence will be located off of the Property line and along the perimeter of the parking and drive areas.

Presently, the Project site is zoned CH – Commercial High Intensity District, CS – Commercial Shopping Center District and OL – Office Low Intensity District and will be rezoned to CH overlaid with PUD No. 820 in order to permit the use of the property for warehouse use and to establish development standards and conditions assuring a compatible relationship between the Project and the nearby residential uses.

EXHIBITS:

INCOG EXHIBITS
Case map
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map

Applicant Exhibits:
None (Refer to PUD 820)

DETAILED STAFF RECOMMENDATION:

Z-7282 requesting CH zoning is not currently compatible with the New Neighborhood land use designation in the Tulsa Comprehensive Plan and;

Z-7282 requesting CH zoning is compatible with the Town Center land use designations and;

Z-7282 was recognized in the East Tulsa Neighborhood Implementation plan as a "Large Undeveloped or Underdeveloped" site that within context of a PUD could be developed as a successful infill project and;

The applicant has provided concurrent request with PUD 820 which provides appropriate development guidelines to integrate this project into the neighborhood and;
The zoning request for the entire site is not appropriate unless accompanied by a PUD and Tulsa Comprehensive Plan Amendment. If for any reason the PUD is abandoned the underlying rezoning request should be reconsidered and,

CH zoning as requested by Z-7282 in only consistent with the anticipated development pattern in the area when accompanied with the PUD therefore;

Staff recommends Approval of Z-7282 to rezone property from OL/CS/CH to CH in conjunction with PUD 820.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing Land Use Map in the Tulsa comprehensive plan is not consistent with the proposed use. The applicant has submitted a concurrent request to amend the Land Use Map for employment uses. The project will conform to the employment designation if the land use designation is approved as requested. The employment designation is defined as defined below:

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

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

Land Use Vision:

Land Use Plan map designation: New Neighborhood/ Town Center

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

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in
some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: An important link for the 4th Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4th along with the 60 foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

An infill project like the one proposed in PUD 820 is an asset to the community when integrated into the existing development pattern and expected transportation plan. With that consideration staff recommends inclusion of the trail link as part of this project. The trail improvement is part of the consideration for amending the Tulsa Comprehensive Plan land use map and recommending approval for the PUD.

Within the PUD, the development team has integrated many items discussed early in the project discussion including landscape treatment, relevant screening, building placement, and many other items related to a high quality infill development. Many of those components will help successfully integrate this project into the neighborhood. Integration of the trail into the neighborhood is a good example of how this project will strengthen that concept and provide a stronger link to the Mingo Trail system to the east and the existing on-street trail system on 4th Street west of this site.

Infrastructure improvements of all kinds improve neighborhood lifestyle and provide benefits to the end user.
Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

This site is included in the East Neighborhood Implementation Plan and is partially identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity.
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: PUD 820 is vacant land. Aerial photographs show historic storage of construction materials and the site has been graded but there are no known environmental concerns that will affect site development.

Environmental Considerations: None that will significantly affect site development. The PUD has provided significant landscape edges and screening that recognize the slopes and drainage system. In many instances those drainage components have provided additional screening and buffering for the adjacent residential properties.

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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single family residential subdivision, zoned RS-3; on the north by vacant property, miscellaneous business and industry, zoned RS-2 and CH; on the south by single family residential property, zoned RS-1; and on the west by property that has been the historic headquarters for a construction company and a church, zoned CS and RS-2.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-5571 June 1981: The applicant made a request for rezoning a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4th Pl. and S. 89th E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC recommended approval of RS-2 on 21.8 acres and denial of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

BOA-19314 April 23, 2002: The Board of Adjustment approved a Special Exception to permit existing construction company uses in CS district; a Special Exception to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a Variance to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300’ of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

Surrounding Property:

BOA-17132 August 22, 1995: The Board of Adjustment approved a Special Exception to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30’ X 50’ existing building with a 20’ X 30’ addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30’ X 50’ building, on property located north of northeast corner of S. Memorial Dr. and E. 4th Pl. and abutting west of subject property.

Z-CASE Ordinance #8979 July 1960: All concurred in approval of a request for rezoning a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85th E. Ave. and E. Admiral Pl.
SUBJECT TRACT LAND USE PLAN
TOWN CENTER & NEW NEIGHBORHOOD
Case Report Prepared by: Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Lou Reynolds
Property Owner: COUCH HOLDINGS LLC

Location Map: (shown with City Council Districts)

Applicant Proposal:
Present Use: Vacant
Proposed Use: Beverage warehouse and distribution center
Concept summary: CH zoning In conjunction with PUD 820 supports new a distribution center. A comprehensive plan land use map revision is also being processed for this site.
Tract Size: 26+ acres
Location: South and east of the southeast corner of South Memorial Drive and East Admiral Pl.

Zoning:
Existing Zoning: OL/ CS/ CH
Proposed Zoning: CH/ PUD-820

Comprehensive Plan:
Land Use Map: New Neighborhood, Town Center (Applicant has requested Employment to support his request)
Stability and Growth Map: Area of Growth

Staff Recommendation:
Staff recommends approval for PUD 820 which will be used as a Distribution Center. Significant development standards buffer the surrounding residential properties. Staff also recommends construction of an important link for the 4th Street Multipurpose trail.

Staff Data:
TRS: 9301
CZM: 38
Atlas: 451

City Council District: 3
Councilor Name: David Patrick
County Commission District: 2
Commissioner Name: Karen Keith
SECTION I: PUD-820

APPLICANTS DEVELOPMENT CONCEPT:

The Applicant proposes a beverage warehouse and distribution center on approximately 26 acres of land located East of South Memorial Drive and East 4th Place South. The Conceptual Site Plan for the Project is attached hereto as Exhibit “A”. An Aerial Photograph of the Project site showing adjacent and nearby land uses is attached hereto as Exhibit “B”.

The Applicant has operated in the metropolitan area since 1959 and today operates four separate warehouse and distribution centers in the metropolitan area. The Applicant desires to consolidate its business operations into a central site in order to become more efficient and has selected this site for development as a beverage warehouse and distribution center.

The Project has good access to the expressway system and arterial streets. Access to the Project shall be along South 85th East Avenue.

In order to adequately buffer and screen the Project from the existing single family developments to the north, east and south, the Project development standards provide for significant building setbacks exceeding 100 FT, an extensive landscape buffer between such residential areas and a Project screening fence. In order to maximize the effectiveness of the Project screening fence, such screening fence will be located off of the Property line and along the perimeter of the parking and drive areas.

Presently, the Project site is zoned CH – Commercial High Intensity District, CS – Commercial Shopping Center District and OL – Office Low Intensity District and will be rezoned to CH overlaid with PUD No. 820 in order to permit the use of the property for warehouse use and to establish development standards and conditions assuring a compatible relationship between the Project and the nearby residential uses. The existing zoning is shown on Exhibit “C” attached hereto.

EXHIBITS:

INCOG EXHIBITS:
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Multipurpose Trail Exhibit

Applicant Exhibits:
Exhibit A: Conceptual Site Plan
Exhibit B: Aerial Photograph – Site & Surrounding
Exhibit C: Area Zoning
Exhibit D-1: Conceptual Landscape & Screening (West)
Exhibit D-2: Conceptual Landscape & Screening (East)
Exhibit E: Illustrative Cross-Sectional View
Exhibit F: Site access and Circulation Plan
Exhibit G-1: Site Topography and Drainage Concept Plan
Exhibit G-2: Site Topography and Drainage Concept Plan
Exhibit H: Existing and Proposed Utilities Plan

REVISED 10/9/2014
PUD-820 DEVELOPMENT STANDARDS:

LAND AREA (GROSS): 25.80 Acres (1,123,621 SF)
LAND AREA (NET): 25.30 Acres (1,102,031 SF)
EXISTING ZONING: OL, CS, CH
PROPOSED ZONING: PUD / CH

PERMITTED USES:
Uses permitted in Use Unit 11, Offices, Studios and Support Services, Use Unit 17, Automotive and Allied Activities; and Use Unit 23, Warehousing and Wholesaling, and Uses Customarily Accessory to the Permitted Principle Uses.

MAXIMUM BUILDING FLOOR AREA: 280,000 SF

MAXIMUM BUILDING HEIGHT: 2-stories / 40 Feet, with building sidewalls no greater than 28 feet in height as measured from finished grade.

MINIMUM BUILDING SETBACKS:
- From northerly boundary limits of PUD: 90 feet*
- From southerly boundary limits of PUD: 100 feet
- From easterly boundary limits of PUD: 225 feet
- From westerly boundary limits of PUD: 25 feet

* Provided the minimum building setback for the northerly boundary line of the PUD within the west 700 feet shall be 25 feet.

MINIMUM OPEN SPACE: 15% of net lot area

SIGNAGE:
Business signs may be permitted upon the site as follows:

1. One (1) ground sign shall be allowed within the Project, with a maximum height of 25 feet, and a maximum display surface area 150 square feet. Such ground sign shall be located no closer than 125 feet from the north boundary, nor closer than 400 feet from the south boundary.

2. Wall signs shall be limited to one (1) square foot per lineal foot of building wall upon which is it affixed. Directional or instructional wall signs may be placed upon any of the building walls; however, such signs shall be limited to no greater than 10 square feet in size, and shall be located a minimum distance of 75 FT from the north boundary of the site, and a minimum distance of 175 FT from the east and south boundaries.

LIGHTING:
Light standards, whether located upon freestanding light poles or building-mounted, shall not exceed 25 feet in height. All exterior lighting fixtures shall be hooded and direct light downward and away from properties to the north, south and east. No light standards shall be permitted within 75 feet of the north boundary, nor within 100 feet of the south and east boundaries.

REVISED 10/9/2014
SITE SCREENING AND LANDSCAPING:
To create a more effective buffer, a solid screening fence a minimum of 6 FT in height will be located off of the boundary of the Project, close to the drive areas and parking areas and between such screening fence and the Project boundary. Landscaping shall be installed as shown on the Illustrative Site Perimeter Landscaping & Screening Plan attached hereto as Exhibit "D". Such landscaping shall provide a landscape buffer zone for the purpose of enhancing the visual screening and buffering the Project. The landscape buffer shall be planted with a variety of evergreen and deciduous trees that are suitable for the area. At the time of planting, all trees within the landscape buffer zone shall be a minimum height of eight (8) feet and have a minimum caliper of two (2) inches. These trees are in addition to and separate from required parking lot area and or street yard trees required for the Project by the Tulsa Zoning Code. Finally, the landscaping plan for the Project will include no less trees in number or density than is shown on the Conceptual Landscape and Screening Plan. An Illustrative Cross-Sectional View is attached hereto as Exhibit "E" showing the effectiveness of the proposed screening and landscape buffer.

Only one house faces north along 4th street adjacent to this project. Particular attention to detail north of that home may require additional landscape and screening. During the detailed site plan and landscape plan process the existing tree buffer will be protected from injury during Significant additional evergreen, deciduous trees and shrubs will be planted to enhance the existing tree line at that location. That concept has not been completely illustrated on the landscape or screening plan. The details will be established during the site plan process.

VEHICULAR ACCESS:
All vehicular access shall be limited to use of S. 85th E. Ave., with the exception of a locked emergency-only ingress/egress gate along the west boundary of the Project site. The Site Access and Circulation Plan is attached hereto as Exhibit "F".

PEDESTRIAN / MULTIPURPOSE ACCESS:
Sidewalks will meet the subdivision regulations on the perimeter of the property and provide appropriate interior pedestrian access.

A 10’ wide multipurpose trail will be constructed from the intersection of South Memorial at 4th within the existing street 4th Street right of way to the intersection.

OFF-STREET PARKING:
As permitted by the applicable Use Unit of the Tulsa Zoning Code.

TOPOGRAPHY AND STORM WATER DRAINAGE:
The approximate 26 acre (net) Project site generally slopes is a west-to-east, with native trees and vegetative cover that is primarily limited to the north, south and east boundaries of the Project site where natural drainage swales exist. The highest elevation of the Project site is approximately 765 feet above sea level near the west boundary, and the lowest elevation is approximately 730 feet near the southeast corner of the Project site where storm sewer drainage infrastructure has been installed to carry stormwater flow diagonally under S. 89th Ave. E. to a City of Tulsa 78’ storm sewer line located slightly southeast of the intersection of S. 89th Ave. E. and E. 4th Pl. S.

As reflected upon the Site Topography and Drainage Concept Plan, attached hereto as Exhibit "G", a stormwater detention pond or ponds are planned for construction near the south and east boundaries of the Project site. Additionally, to support proper stormwater drainage flow within the natural drainage swales near the north, south and east boundaries of the Project site, some of the existing vegetative growth and debris within the flow limits of such drainage
channels will need to be removed or cleared, which activity shall be coordinated with City of Tulsa stormwater management staff.

UTILITIES:
Presently, all necessary utilities to serve the Project are either available on-site or within close proximity to it, as shown upon the Existing and Proposed Utilities Plan attached hereto as Exhibit "H". Required utility line extensions and improvements shall be closely coordinated with City of Tulsa staff and franchise utility providers during the subdivision platting efforts of the property following necessary zoning approvals.

PLATTING REQUIREMENT:
It is anticipated that the Project will be included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa City Council, and duly filed of record in the Tulsa County Clerk’s office.

EXPECTED SCHEDULE OF DEVELOPMENT:
Development is expected to begin in the Spring 2015 after final approval of the Planned Unit Development, platting of the property and Detail Site Plan approval. The Applicant intends to commence initial site grading following zoning and approval of the Planned Unit Development and preliminary plat approval and the issuance of an Earthchange Permit therefor.

DETAILED PLANS REVIEW:
No building permit shall be issued for a lot within the Project until a Detail Site Plan and a Detail Landscape Plan has been submitted to and approved for such lot by the Tulsa Metropolitan Area Planning Commission.

DETAILED STAFF RECOMMENDATION:
The site is not currently compatible with the New Neighborhood or Town Center land use designations in the Tulsa Comprehensive Plan (aka PlaniTulsa) however, this site was recognized in the East Tulsa Neighborhood Implementation plan as a “Large Undeveloped or Underdeveloped” site that within context of a PUD could be developed as a successful infill project and;
The PUD has provided appropriate development guidelines to integrate this project into the neighborhood and;
The applicant has submitted a concurrent request to change the land use designation to Employment and;
The PUD is consistent with the anticipated development pattern in the area and;
PUD 818 is consistent with the Planned Unit Development chapter of the Tulsa Zoning Code therefore;
Staff recommends Approval of PUD-820 as outlined in Section I above.
SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing Land Use Map in the Tulsa comprehensive plan is not consistent with the proposed use. The applicant has submitted a concurrent request to amend the Land Use Map for employment uses. The project will conform to the employment designation if the land use designation is approved as requested. The employment designation is defined as defined below:

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

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

Land Use Vision:

Land Use Plan map designation: New Neighborhood/ Town Center

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

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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21.4

REVISED 10/09/2014
Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: An important link for the 4th Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4th along with the 60 foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

An infill project like the one proposed in PUD 820 is an asset to the community when integrated into the existing development pattern and expected transportation plan. With that consideration staff recommends inclusion of the trail link as part of this project. The trail improvement is part of the consideration for amending the Tulsa Comprehensive Plan land use map and recommending approval for the PUD.

Within the PUD, the development team has integrated many items discussed early in the project discussion including landscape treatment, relevant screening, building placement, and many other items related to a high quality infill development. Many of those components will help successfully integrate this project into the neighborhood. Integration of the trail into the neighborhood is a good example of how this project will strengthen that concept and provide a stronger link to the Mingo Trail system to the east and the existing on-street trail system on 4th Street west of this site.

Infrastructure improvements of all kinds improve neighborhood lifestyle and provide benefits to the end user.
Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

This site is included in the East Neighborhood Implementation Plan and is partially identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity.
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: PUD 820 is vacant land. Aerial photographs show historic storage of construction materials and the site has been graded but there are no known environmental concerns that will affect site development.

Environmental Considerations: None that will significantly affect site development. The PUD has provided significant landscape edges and screening that recognize the slopes and drainage system. In many instances those drainage components have provided additional screening and buffering for the adjacent residential properties.

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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single family residential subdivision, zoned RS-3; on the north by vacant property, miscellaneous business and industry, zoned RS-2 and CH; on the south by single family residential property, zoned RS-1; and on the west by property that has been the historic headquarters for a construction company and a church, zoned CS and RS-2.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-5571 June 1981: The applicant made a request for rezoning a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4\textsuperscript{th} Pl. and S. 89\textsuperscript{th} E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC recommended approval of RS-2 on 21.8 acres and denial of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

BOA-19314 April 23, 2002: The Board of Adjustment approved a Special Exception to permit existing construction company uses in CS district; a Special Exception to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a Variance to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

Surrounding Property:

BOA-17132 August 22, 1995: The Board of Adjustment approved a Special Exception to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30' X 50' existing building with a 20' X 30' addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' X 50' building, on property located north of northeast corner of S. Memorial Dr. and E. 4\textsuperscript{th} Pl. and abutting west of subject property.

Z-CASE Ordinance #8979 July 1960: All concurred in approval of a request for rezoning a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85\textsuperscript{th} E. Ave. and E. Admiral Pl.

10/15/2014 1:30 PM
La Quinta Muley
Wholesale Beverage Dist. Center
P.O. Box 820
2-7282

Name
Lou Reynolds

Bill Street

Address
2727 E. 21st St.
4115 S. M.D.

Contact
reynolds@eller

Dee Culbert

Don Culbert

Gary - Reagan Strickland

Strickland 3 @ TulsaCoxMail.com

Judy Ducie & Wendell Davis

David Henson 511 S. 87th East Ave.

Gene Henson 511 S. 87th East Ave

Bertie Henson ""

Julie Allende 78523 E 8th Place

Paulino Allende

E.J. 3 Julia Kirby 453 S. 87th E Ave

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**Case Report Prepared by:**
Diane Fernandez

**Owner and Applicant Information:**
 Applicant: J R Donelson

**Location Map:**
(Shown with City Council Districts)

**Applicant Proposal:**
Plat Waiver Request

Tract Size: 3.5 ± acres
Location: 13742 East Pine

**Zoning:**
Existing Zoning: IL

**Staff Recommendation:**
Staff recommends approval.

**City Council District:** 3

Councilor Name: David Patrick

**County Commission District:** 1

Commissioner Name: John Smaligo

**EXHIBITS:**
- INCOG Aerial
- INCOG Case Map
- Site Plan
PLAT WAIVER

October 15, 2014

Z-7248 – 13742 East Pine (CD 3)

The platting requirement is being triggered by a rezoning from AG to IL. A lot split was also approved.

Staff provides the following information from TAC for their October 2, 2014 meeting:

ZONING: TMAPC Staff: The property will be used to construct a metal building to store concrete construction equipment. Adjacent properties are unplatted. The building is only to be used for storage next to an existing dwelling. If use intensity changes property will be platted.

STREETS: Fifty feet of right-of-way required from center line of Pine Street. Thirty feet of right-of-way required at west property line for collector per Major Street and Highway Plan. Sidewalks required per subdivision regulations.

SEWER: Perimeter utility easements should be required. If there is no sewer available in the area for service, then we will need an easement restricting the use of the lateral field.

WATER: The extension of a looped water main line could be a requirement because the existing 24 inch is not a tap able line size for water services. Approval required from Engineering Services and Water Distribution at 23rd and Jackson.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

Staff recommends APPROVAL of the plat waiver for the platted property.

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

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

22.2
A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

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

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk’s office by the applicant.
Case #: PUD-815
Detail Landscape Plan

Hearing Date: October 15, 2014

Case Report Prepared by:
Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Costco Wholesale/ Michael Okuma
Property Owner: William E. Warren Foundation/ Thomas E. Cooper

Location Map:
(shown with City Council Districts)

Applicant Proposal:
Detail Landscape Plan:
Plan represents details for a new Retail Building and Gas Station within the PUD.

Gross Land Area: 18.18 acres
Location: Northwest corner of E. 103rd St. & S. Memorial Dr.

Zoning:
Existing Zoning: CS/PUD-815
Proposed Zoning: No Change

Comprehensive Plan:
Land Use Map: Regional Center
Growth and Stability Map: Growth

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 8326
CZM: 57
Atlas: 2468

City Council District: 8
Councilor Name: Phil Lakin

County Commission District: 3
Commissioner Name: Ron Peters
SECTION I: PUD-815 Detailed Landscape Plan

October 15, 2014

STAFF RECOMMENDATION

CONCEPT STATEMENT:
The applicant is requesting detailed landscape plan approval on an 18.18 Acre site included in Planned Unit Development for a new retail building including one, one story building and one gas station. Normally the PUD landscape plan reviewed at staff level however the Planning Commission requested a public hearing to review the landscape plan on this particular site.

The general concept for the landscape plan provides significant additional landscape and site screening standards across the entire parking and provides significant landscaping north and west of the building to provide a buffer between the retail and residential areas.

SITE SCREENING AND LANDSCAPING:
The open space, landscape area and screening exceed the minimum standards defined by the Planned Unit Development conceptual plan and significantly exceed the minimum standards of the Landscape chapter of the Tulsa Zoning Code.

SUMMARY:
Staff has reviewed the applicant’s submittal of the detailed landscape plan as it relates to the approved PUD-815. The landscape plan meets or exceeds the minimum requirements of the Planned Unit Development concept and;

Staff finds that the landscape plan exceeds minimum standards of the Landscape chapter of the Tulsa Zoning Code therefore;

Staff recommends APPROVAL of the detailed landscape plan for the proposed new retail building and fueling station.

SECTION II: Supporting Documentation

INCOG Exhibits included with staff recommendation:
Zoning case aerial map
Aerial photo

Applicant Exhibits:
Landscape Concept as approved in the PUD
Landscape Plan
Landscape Details
Rendering of mature plant material as seen from the northwest.
<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th>Dwayne Wilkerson</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Number:</strong></td>
<td>Z-7270</td>
</tr>
<tr>
<td><strong>Hearing Date:</strong></td>
<td>October 15, 2014</td>
</tr>
<tr>
<td><strong>Owner and Applicant Information:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>120 Development Group, LLC/Will Wilkins</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>W3 Development – One LLC</td>
</tr>
<tr>
<td><strong>Location Map:</strong></td>
<td>(shown with City Council Districts)</td>
</tr>
<tr>
<td><strong>Applicant Proposal:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Use:</strong></td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Proposed Use:</strong></td>
<td>Multifamily</td>
</tr>
<tr>
<td><strong>Concept summary:</strong></td>
<td>Rezoning required supporting a multifamily residential project limited to 16 dwelling units.</td>
</tr>
<tr>
<td><strong>Tract Size:</strong></td>
<td>0.48+ acres</td>
</tr>
<tr>
<td></td>
<td>21,128+ square feet</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Northwest corner of W. Haskell Pl and N Cheyenne Ave.</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Zoning:</strong></td>
<td>RS-4</td>
</tr>
<tr>
<td><strong>Proposed Zoning:</strong></td>
<td>RM-2</td>
</tr>
<tr>
<td><strong>Comprehensive Plan:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Land Use Map:</strong></td>
<td>Existing Neighborhood</td>
</tr>
<tr>
<td><strong>Stability and Growth Map:</strong></td>
<td>Stability</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Staff recommends approval for Z-7270 to rezone from RS-4 to RM-2 but only in conjunction with PUD 818 to allow a multifamily residential project limited to 16 dwelling units.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The site is located in the Brady Heights Historic Preservation area and will also require Tulsa Preservation Commission approval.</td>
</tr>
<tr>
<td><strong>City Council District:</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Councilor Name:</strong></td>
<td>Jack Henderson</td>
</tr>
<tr>
<td><strong>County Commission District:</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Commissioner Name:</strong></td>
<td>John Smaligo</td>
</tr>
</tbody>
</table>
SECTION I: Z-7270

DEVELOPMENT CONCEPT:

APPLICANTS DEVELOPMENT CONCEPT:
This is a proposed re-development project of multi-family residential units on a 0.49 acre property. The property is located on the NW corner of W. Haskell Pl. and N. Cheyenne Ave. within the historic Brady Heights neighborhood. The property was originally a part of the Catholic Charities massing of property that also included the church located to the West and 3 single family residential units that extended North from the church site. The subject property was purchased by W3 Development, LLC in December 2011.

The developers are very much in tune with the current state of multi-family residential and commercial re-development of downtown and in particular, the nearby Brady Arts District. In addition, the owner’s representative is a resident of the Brady Heights neighborhood, and has developed 3 of the last 4 new construction, single family homes to be located within this neighborhood. The last home developed for sale was in 2008, selling in 2009. The owner’s representative is also aware of the growing interest in this neighborhood as an alternative to offerings within the nearby CBD district of downtown proper. The developers see this project as an opportunity to entice and transition current downtown apartment dwellers into this neighborhood and later into its existing single family dwellings. In addition to the transitioning aspect of this project, the developer seeks to embrace the vision of the Tulsa Comprehensive Plan by encouraging greater density and diversity within the downtown core’s surrounding neighborhoods.

The owner’s representative has held two meetings with the Brady Heights Neighborhood Association. The first was held with the Board of Directors on April 19th with little to no comment at that time. The second meeting was held with the general membership of the neighborhood on May 17th. Those in attendance comprised less than half the ownership interests in the neighborhood. Main topics of concern were the multi-family aspect and its relation to potential Section 8/subsidized housing and general design with many seeking input in the design aspect of the project. This project WILL NOT utilize subsidized housing programs. To date, only two residents have reached out to the developers beyond those meetings.

The developers have pledged to make every effort in the design of the project to maintain the architectural character of this historic area. The developers have already met with Tulsa Preservation Commission staff to review the conceptual design and incorporate suggested changes. The project will be submitted to the Tulsa Preservation Commission for their review and approval. Design of the project and its structures will meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Commercial Structures.

The property owner intends to develop a multi-family project with (16) one bedroom units contained within two separate structures. The largest structure facing Cheyenne would encompass (12) apartment units within a 3-story structure. The second structure would encompass (4) one bedroom units within a 2-story structure. The purpose of the varying structure heights is to maintain similar roof lines given the rising topography of the subject property rising from East to West. Off-site parking will be located behind the structures to accommodate the required parking per code with access off of Haskell and off of the alley located to the West of the subject parcel. Landscaping and screening will be addressed for
access points off of Haskell and to hide any mechanical equipment from view down Haskell and the alley.

**EXHIBITS:**

INCOG Case map  
INCOG Aerial (small scale)  
INCOG Aerial (large scale)  
Tulsa Comprehensive Plan Land Use Map  
Tulsa Comprehensive Plan Areas of Stability and Growth Map  
Applicant Exhibits:  
None: refer to PUD 818

**DETAILED STAFF RECOMMENDATION:**

Z-7270 in conjunction with PUD 818 is consistent with the Existing Neighborhood land use designation of the Tulsa Comprehensive Plan. The general concept for a small scale multifamily residential project does not preserve the existing single family nature of the neighborhoods built after World War II but this neighborhood was originally developed when a mix of commercial, offices, multi family, churches and other uses were part of the fabric of a neighborhood and;

Z-7270 in conjunction with PUD 818 is compatible with the anticipated development of the Brady Heights Historic area however it should be noted that the general mixed use character of the Brady Heights neighborhood should not evolve into a collection of multifamily residential properties. This part of Brady Heights includes a disproportionate amount of vacant lots. The general trend for the area should be single family residential development therefore;

**Staff recommends Approval of Z-7270 as outlined in Section I above.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** Z-7270 in conjunction with PUD 818 is located inside the Brady Heights Historic district. The building placement and use is defined in the PUD. The architectural style of the building is reviewed and recommended for approval by the Preservation Commission. The Brady Height neighborhood was constructed in the 1920’s and included a mix of single family residential lots, small scale multi family, small mixed use commercial buildings and church uses.

**Land Use Vision:**

**Land Use Plan map designation:** Existing Neighborhood

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height,
and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

**Areas of Stability and Growth designation:** Area of Stability

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**Transportation Vision:**

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

**Small Area Plan:** None

**Special District Considerations:** This site is at the north western corner of the Downtown Master Plan which recognizes the importance of Brady Heights as a historic neighborhood and potential for high quality residential redevelopment opportunities. The streetscape quality for pedestrian and vehicular uses are noted as one of the primary goals for the Downtown Master Plan.
**Southeast Corner**  
**North Denver at West Latimer Intersection:**

The image below illustrates the mix of small scale apartments, single family residential and small commercial mixed use buildings in the Brady Heights Neighborhood.

![Image of the area](image)

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is part of several vacant lots on the west side of N. Cheyenne and North of West Haskell. The only significant vegetation is on the perimeter of the site and the terrain is sloping from west to east.

![Image of the area](image)
Environmental Considerations: There are no significant physical constraints affecting the development of this property. Some terrain from the high point on the west adjacent to the alley to a low point on Cheyenne on the east boundary will require careful attention to detail for the site to meet ADA guidelines.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Cheyenne Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>East Haskell Place</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by single family residential, zoned RS-4; on the north by vacant lot, zoned RS-4; on the south by a vacant lot, zoned RS-4; and on the west by a church building, zoned RS-4.

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 17817 dated November 5, 1992, established zoning for the subject property.
Subject Property:

Z-6723 December 1999: The homeowners of Brady Heights requested rezoning for many of the properties to an HP (Historic Preservation) category between Marshall and Fairview Streets, the L.L. Tisdale Expressway and west of Main Street. The TMAPC and City Council unanimously approved the request.

Z-6373 November 1992: The homeowners of Brady Heights and Cheyenne Park requested rezoning on an area located east of the Osage Expressway to North Cincinnati Avenue, between Fairview Street and Pine Street from RM-1 to RS-4. This did not include the subject tract. All concurred in approving the rezoning request.

BOA-15544 November 1, 1990: The Board of Adjustment approved a Variance of the required setback or parking spaces from abutting R district from the centerline of Haskell PI. from 50 ft. to 38 ft. for Use Unit 5; per revised site plan submitted; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot, on property located at the subject property.
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC

There is a general concern pertaining to the proposed PUD development located on the NW corner of W. Haskell Pl. and N Cheyenne Ave. The following will outline that this proposal is out of context, character, and scale for the Brady Heights Historic District, does not fit in any of the available zoning codes on record, does not follow the spirit and intent of a PUD, ignores specific goals of Plan iTulsa, and is generally a bad fit for the neighborhood. There three core arguments detailed below that will explain this concern. All efforts to verify facts and statements were done to the best of the author’s ability given reasonably available resources.

1. This project does not fit into existing zoning codes and does not follow the set out purposes of a Planned Unit Development (PUD).

The current RS-4 zoning of the area only allows for single family homes and duplexes by exception. Further, the current residential zoning codes in general do not allow for a 3 story structure to exist on the proposed lot due to distance requirements. A minimum of 75 feet of distance from any RS-4 zoning area is required for a 3 story building of this type. There simply isn’t enough lot space for this requirement. Nowhere in the city of Tulsa would this proposal be legal given the conditions set forth. PUD’s generally allow for a varied land use with multiple structures/spaces that harmonize with each other and offer a benefit to the area. A paraphrased purpose based on Tulsa’s zoning guide is:

   Promote innovative land use with meaningful open space and flexible, creative, and continuous design while keeping with the character and function of the area.

This proposal is a single type structure with a non-innovative single use and very limited open space, benefiting the owner of the property over the surrounding area disproportionately, and not at all keeping with the character of a single family residential neighborhood.

2. Historic context and scale are out of alignment.

Historic context must be taken into consideration due to the HP zoning. This has particular relevance because the Preservation Commission of Tulsa has no opportunity to review or comment on this proposal beforehand. Having no chance to determine if this structure is at its core appropriate to the Brady Heights Historic District essentially leaves their hands tied allowing only review of aesthetics of an otherwise potentially inappropriate building.
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm

Agenda item: Z-7270 – 120 Development Group, LLC

Page 2

This neighborhood developed circa 1908-1920. The structures built in that era are the reason for its historical significance on the National Register and by extension the purpose of the historic district. There were simply no buildings like the proposed being built in the area at that time according to the historic Sanborn fire maps on file at the Tulsa Historical Society4. The few buildings that are similar to the proposed (only one of which is 3 stories) were built in the 20’s and 30’s and are only minor contributors to the overall district. Further these brick structures were located along a single corridor of commercial activity (Latimer Corridor) and on the outskirt of the district (Fairview Apartments). Both of these areas are either commercially zoned or abut an RM-1 zoning.

Swan Lake Historic District has been paralleled for comparison and justification of this development. This confuses the issue because these two developments came about 10-15 years apart, and although that may seem like a short period of time, to an early developing Tulsa in the early 20th century, it makes a substantial difference. It is true that these types of buildings were and are an important part of the Swan Lake Historic District and its subsequent listing on the National Register, however what is significant to Swan Lake is not necessarily what is significant to Brady Heights. In fact one could argue the opposite; it is these differences that make them unique and worthy of historic designation. The preservation guidelines suggest looking to other properties of this type outside of the districts to glean insight in design, but this is because there are so few examples available from which to glean this insight. In the case of Brady Heights it is because they simply weren’t there in the first place5.

Further, the scale of a three story building will have a dominating appearance in the streetscape. All of Cheyenne is populated with single story bungalows and small two story houses. The proposed height when taking into consideration its consistent width of roughly 100 feet will have the appearance of a much larger structure. If the peak of a two story gabled house is 30 feet, its relative width at that height is quite small. In fact the full width of the structure begins to reduce at roughly 20 feet in height. A large rectangular façade keeping its full width from grade to the top of the proposed 35 feet will without question feel considerably larger than the numbers might suggest on paper.

In addition, the topography of the area drops from West to East exacerbating this height difference.6 The required leveling of the grade will no doubt raise the current elevation of the East side of the lot. Houses on the East side of Cheyenne are already at a lower elevation than the current West side of the street. The combined affect of this will further accentuate the proposed building’s height and will by comparison dwarf the houses set to the East. The 3 story building will have a monolithic effect at this intersection.

24.15
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC
Page 3

3. Does not keep the fabric and framework of the community.

Departure from the intended preservation of the district will negatively impact property values. It is proven and commonly accepted that historic districts raise the value of the properties within their boundaries. This district’s unique character drives that value, and by departing from the very nature of this character, we run the risk of devaluing our properties, blurring the focus and vision of the people who worked so hard to create such a place. Housing prices and demand are on the rise in our neighborhood. In the past year 15 homes have sold within the district showing a roughly 20% increase in overall sale value over the previous year. Finished homes are selling before they are officially on the market and those that are listed are snapped up within a few weeks.

Overwhelmingly we have heard from people moving in that it is our tight knit community that makes Brady Heights special to them, why they chose to move in, and why they continue to stay. This community has lasted because property owners have a vested interest in their land and homes, and it is partly this ownership that helps to keep the community so engaged. Brady Heights is the closer neighborhood alternative for those who prefer residential streetscapes, but still want to maintain a walkable proximity to downtown. This is of particular importance because there are no other options like this surrounding the downtown area, specifically the popular Brady Arts and Blue Dome districts, as well as the important business sector centered around 3rd and Main.

The proposal’s argument that apartments used as transitional housing will lead to young professionals trying before buying into Brady Heights is based on supposition, and any evidence from other locations is largely irrelevant due to the unique dynamics of the City of Tulsa, the different areas of Tulsa, and the specific dynamics of the Brady Heights neighborhood. Our neighborhood currently has rental properties available for those interested in transitioning to single family residents through traditional single family homes for rent, garage apartments, and a few loft apartments in the 20’s era buildings mentioned above. This sort of transitional situation is more ideal than the typical complex proposed because of the realistic lifestyle of living in a single family home and the close relationship to the home owner in the garage apartment example. Transitional housing is important to any neighborhood, but the way in which the transition takes place is the sort of nuanced approach that shows thoughtful development.

Plan iTulsa Land Use Part 8, citing sections 3.2 and 3.6 support “the creation of higher density mixed-use areas at major centers served by transit”, and “Encourage new development to be appropriate to the context of its location in density, massing,
intensity and size, particularly when adjacent to existing residential areas and historic districts," and "Design buildings to be compatible in height, scale, bulk and massing to the urban context and established character of the surrounding area." This would suggest that the focus on high density should be towards downtown and that any infill in residential areas outside of the downtown core should be sensitive to its immediate surroundings with particular emphasis on historic districts. Further, PlaniTulsa's Housing Priority number 1 states in part, "The City should further develop its ability to preserve existing single-family areas." In conclusion, it is requested that this PUD be denied outright, as proposed, due to its non-typical design and scale for the streetscape, the neighborhood, and the historic period of significance. This district is the closer neighborhood alternative to the high density downtown core and this proposal lays the groundwork to change the nature of that important relationship. It is also requested that special consideration be made to historic context given that the Preservation Commission has no prior opportunity to review before a ruling must be made. Finally, it is requested that due consideration is given the fact that this development simply does not legally fit in any existing zoning code, nor does it follow the spirit and intent of a PUD.
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC

Page 5

1 Zoning Code of the City of Tulsa, Title 42 Section 403-A, Item 1
2 Zoning Code of the City of Tulsa, Title 42 Section 1101. Purposes
3 Zoning Code of the City of Tulsa, Title 42 Section 1052-N
4 These maps are available in a digitized version through the Tulsa City County
Library as well as a physical version located at the Tulsa Historical Society
5 Sanborn Fire Maps 1915 Vol 1
6 *OGQ-87. Geologic map of the Tulsa 7.5' quadrangle, Tulsa County, Oklahoma, by
T.M. Stanley. 2013. Scale 1:24,000.

7 TU Group Studies Forgotten Tulsa Neighborhoods Friday, August 23, 2013
http://www.utulsa.edu/academics/colleges/henry-kendall-college-of-arts-and-
sciences/Departments-and-Schools/Anthropology/News-Events-and-
Publications/Lamont%20Lindstrom/2013/August/neighborhoodpreservation.aspx
8 http://www.zillow.com/homes/1_ah/Brady-Heights-Tulsa-OK_rb/
9 PlaniTulsa Comprehensive Plan Land Use Part 8 Section 3.2, Section 3.6; Housing
Part 3
# Case Report

**Case Number:** PUD-818

**Hearing Date:** October 15, 2014

**Case Report Prepared by:**
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* 120 Development Group, LLC/ Will Wilkins

*Property Owner:* W3 Development - One LLC

## Location Map:
(shown with City Council Districts)

![Location Map](image)

## Applicant Proposal:

**Present Use:** Vacant

**Proposed Use:** Multifamily - Use Unit 8

**Concept summary:** PUD and rezoning required supporting a multifamily residential project limited to 16 dwelling units.

**Tract Size:**
- 0.48 ± acres
- 21,126.69 ± sq. ft

**Location:** Northwest corner W. Haskell Pl. & N. Cheyenne Ave.

## Zoning:

**Existing Zoning:** RS-4

**Proposed Zoning:** RM-2/ PUD-818

## Comprehensive Plan:

**Land Use Map:** Existing Neighborhood

**Stability and Growth Map:** Area of Stability

## Staff Recommendation:

**Staff recommends approval for PUD 818 to allow a multifamily residential project limited to 16 dwelling units.**

The site is located in the Brady Heights Historic Preservation area and will also require Tulsa Preservation Commission approval.

**City Council District:** 1

**Councilor Name:** Jack Henderson

**County Commission District:** 1

**Commissioner Name:** John Smaligo

## Staff Data:

<table>
<thead>
<tr>
<th>TRS: 0235</th>
<th>CZM: 28</th>
<th>Atlas: 44</th>
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**REVISED 10/9/2014**
SECTION I: PUD-818

APPLICANTS DEVELOPMENT CONCEPT:

This is a proposed re-development project of multi-family residential units on a 0.49 acre property. The property is located on the NW corner of W. Haskell Pl. and N. Cheyenne Ave. within the historic Brady Heights neighborhood. The property was originally a part of the Catholic Charities massing of property that also included the church located to the West and 3 single family residential units that extended North from the church site. The subject property was purchased by W3 Development, LLC in December 2011.

The developers are very much in tune with the current state of multi-family residential and commercial re-development of downtown and in particular, the nearby Brady Arts District. In addition, the owner’s representative is a resident of the Brady Heights neighborhood, and has developed 3 of the last 4 new construction, single family homes to be located within this neighborhood. The last home developed for sale was in 2008, selling in 2009. The owner’s representative is also aware of the growing interest in this neighborhood as an alternative to offerings within the nearby CBD district of downtown proper. The developers see this project as an opportunity to entice and transition current downtown apartment dwellers into this neighborhood and later into its existing single family dwellings. In addition to the transitioning aspect of this project, the developer seeks to embrace the vision of the Tulsa Comprehensive Plan by encouraging greater density and diversity within the downtown core’s surrounding neighborhoods.

The owner’s representative has held two meetings with the Brady Heights Neighborhood Association. The first was held with the Board of Directors on April 19th with little to no comment at that time. The second meeting was held with the general membership of the neighborhood on May 17th. Those in attendance comprised less than half the ownership interests in the neighborhood. Main topics of concern were the multi-family aspect and its relation to potential Section 8/subsidized housing and general design with many seeking input in the design aspect of the project. This project WILL NOT utilize subsidized housing programs. To date, only two residents have reached out to the developers beyond those meetings.

The developers have pledged to make every effort in the design of the project to maintain the architectural character of this historic area. The developers have already met with Tulsa Preservation Commission staff to review the conceptual design and incorporate suggested changes. The project will be submitted to the Tulsa Preservation Commission for their review and approval. Design of the project and its structures will meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Commercial Structures.

The property owner intends to develop a multi-family project with (16) one bedroom units contained within two separate structures. The largest structure facing Cheyenne would encompass (12) apartment units within a 3-story structure. The second structure would encompass (4) one bedroom units within a 2-story structure. The purpose of the varying structure heights is to maintain similar roof lines given the rising topography of the subject property rising from East to West. Off-site parking will be located behind the structures to accommodate the required parking per code with access off of Haskell and off of the alley located to the West of the subject parcel. Landscaping and screening will be addressed for access points off of Haskell and to hide any mechanical equipment from view down Haskell and the alley.

PUD-818 DEVELOPMENT STANDARDS:

This PUD will consist of one development area subject to the following development standards:

Land Area (gross) 32,400 sf

REVISED 10/9/2014
Land Area (net) 21,127 sf

Permitted Uses Use Unit 8: Multi-Family Dwelling with customarily incidental uses in RM-2 districts.

Maximum Dwelling units 16 (regardless of #/bedrooms)

Maximum Building Height from finished floor at first floor 40 Feet to top of parapet

Maximum Floor Area 14,000 sf

Minimum Off-Street Parking Spaces Per Dwelling - 1.5 spaces per dwelling unit.

Build To Lines* -

From West Haskell Place 0'-0"
From North Cheyenne Avenue 10'-0"
North Property Line 38'-0"
West Property Line 23'-0"

*A "build-to-line" shall be the line on the lot facing West Haskell Place or North Cheyenne Avenue where the front façade of a structure shall be placed. If lot circumstances prohibit placement at that line because of physical characteristics recognized by the Preservation Commission the structure may be moved up to 10' further from the public street as approved by the Preservation Commission without amending the Planned Unit Development.

Minimum Livability Area per Dwelling – 500 sf/Unit

HISTORIC PRESERVATION OVERLAY STANDARDS:

No residential building permit shall be issued until a Certificate of Appropriateness is granted by the Tulsa Preservation Commission. The architectural character of all structures in this PUD shall meet the standards defined in the Tulsa Preservation Commission Unified Design Guidelines for Residential Structures.

The Historic Preservation consideration of this PUD shall be in conformance with Chapter 10a of the Tulsa Zoning Code. The Tulsa Preservation Commission shall approve the structures and future modifications through the review of an application for Certificate of Appropriateness.

UTILITIES:

All utilities are available to the property. City of Tulsa waterlines are located along North Cheyenne Avenue with sanitary sewer lines located along both West Haskell Place and North Cheyenne Avenue. Stormwater is located along North Cheyenne Avenue. Gas, electric, cable and telephone are all available to the property.

VEHICULAR ACCESS AND CIRCULATION:

Vehicular access will be from West Haskell Pl. to both the adjacent alley located to the West of the property and the parking lot drive located between the two structures.
The alley approach from Haskell will be modified to meet current City of Tulsa Standards.

PEDESTRIAN ACCESS:

Pedestrian Access will continue to be provided in public street right of way. Sidewalk improvements may be required during the development process to enhance the standards provided in the American Disability Act. It is anticipated that stairs will be added from the public sidewalk to all of the residential access points and their adjacent sidewalks. Stair details will be a part of the site development considerations reviewed by the Tulsa Preservation Commission.

BUILDING IDENTIFICATION SIGNAGE:

Building identification signage or lettering shall receive a Certificate of Appropriateness from the Tulsa Preservation Commission.

LIGHTING:

All lighting standards shall be constructed in a manner that prevents visibility of the light emitting element or from the reflector inside the fixture from nearby residentially zoned properties. All light fixtures must be pointed down and away from residentially zoned properties across a public street or adjacent residentially zoned properties north of the PUD.

No building mounted light fixture will be placed greater than 20 feet above finished ground.

Any pole mounted light will be limited to 15 feet above finished ground.

Prior to installation of any lighting in any exterior areas contained in the PUD a Certificate of Appropriateness shall be approved by the Preservation Commission.

TRASH REMOVAL STORAGE AND SITE SCREENING:

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh, or other gate system will be installed with with a minimum opacity of 95% shall be allowed on enclosure doors. Trash removal may only be accessed from the public alley on the west boundary of the site.

A masonry screening wall shall be installed parallel to East Haskell Place and North Cheyenne within 10 feet of any parking area. The fence or wall will be a minimum of 4 feet in height above the nearest parking area curb elevation. Openings or gates may be allowed in the screening wall system for pedestrian access.

LANDSCAPING:

Minimum internal landscaped space 15%

In lieu of providing trees within 50’ of every parking space, trees shall be planted or preserved within the lot and within 15 feet of the street right of way line. Trees shall be planted and maintained as follows; 7 new trees shall be planted along Haskell and 5 trees shall be planted along North Cheyenne. New trees shall be a minimum size of 2.5” caliber and 12’ tall.

25.4 REVISED 10/8/2014
The PUD shall meet the requirements of the Landscape Chapter of the City of Tulsa Zoning Code in all other manners.

PLATTING REQUIREMENT:

The property will be re-plated as part of the development of this site however building permits may be issued because the underlying plat is still in effect.

EXPECTED SCHEDULE OF DEVELOPMENT:

It is anticipated that site development will commence as soon as all necessary approvals are obtained. The anticipated date is Spring 2015 at the latest.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Applicant Exhibits:
  Conceptual Building Elevations
  Conceptual Site Plan
  Brady Heights Apartment Location Exhibit
  Owen Park Apartment Location Exhibit
  Swan Lake Apartment Location Exhibit

DETAILED STAFF RECOMMENDATION:

PUD 818 is consistent with the Existing Neighborhood land use designation of the Tulsa Comprehensive Plan. The general concept for a small scale multifamily residential project does not preserve the existing single family nature of the neighborhoods built after World War II but this neighborhood was originally developed when a mix of commercial, offices, multi family, churches and other uses were part of the fabric of a neighborhood and;

The PUD is consistent with the PUD chapter of the Tulsa Zoning Code and;

PUD 818 is compatible with the anticipated development of the Brady Heights Historic area however it should be noted that the general mixed use character of the Brady Heights neighborhood should not evolve into a collection of multifamily residential properties. This part of Brady Heights includes a significant inventory of vacant lots. The general trend for the area should be single family residential development and;

The improvements of the street yard and pedestrian experience in the street right-of-way are consistent with the vision of the Downtown Tulsa Master Plan and;

The PUD detailed site plan will be submitted to the Planning Commission for approval after the Preservation Commission reviews and approves the building and site as being consistent with the Tulsa Preservations Commission Unified Design Guidelines for this project therefore;

Staff recommends Approval of PUD-818 as outlined in Section 1 above.
SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

**Staff Summary:** PUD 818 is located inside the Brady Heights Historic district. The building placement and use is defined in the PUD. The architectural style of the building is reviewed and recommended for approval by the Preservation Commission. The Brady Height neighborhood was constructed in the 1920’s and included a mix of single family residential lots, small scale multi family, small mixed use commercial buildings and church uses.

**Land Use Vision:**

**Land Use Plan map designation:** Existing Neighborhood

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

**Areas of Stability and Growth designation:** Area of Stability

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**Transportation Vision:**

**Major Street and Highway Plan:** None

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** This site is at the north western corner of the Downtown Master Plan which recognizes the importance of Brady Heights as a historic neighborhood and potential for high quality residential redevelopment opportunities. The streetscape quality for pedestrian and vehicular uses are noted as one of the primary goals for the Downtown Master Plan.
**Brady Heights Historic District**

**National Register District Boundary Map**

- PUD 818
- Northwest Corner of N. Cheyenne at West Haskell
Southeast Corner
North Denver at West Latimer Intersection:

The image below illustrates the mix of small scale apartments, single family residential and small commercial mixed use buildings in the Brady Heights Neighborhood.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is part of several vacant lots on the west side of N. Cheyenne and North of West Haskell. The only significant vegetation is on the perimeter of the site and the terrain is sloping from west to east.

Environmental Considerations: There are no significant physical constraints affecting the development of this property. Some terrain from the high point on the west adjacent to the alley to a low point on Cheyenne on the east boundary will require careful attention to detail for the site to meet ADA guidelines.

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<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>East Haskell Place</td>
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</tr>
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</table>

Utilities:

25.8

REVISED 10/8/2014
The subject tract has municipal water and sewer available.

**Surrounding Properties:** The subject tract is abutted on the east by single family residential, zoned RS-4; on the north by vacant lot, zoned RS-4; on the south by a vacant lot, zoned RS-4; and on the west by a church building, zoned RS-4.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17817 dated November 5, 1992, established zoning for the subject property.

**Subject Property:**

**Z-6723 December 1999:** The homeowners of Brady Heights requested rezoning for many of the properties to an HP (Historic Preservation) category between Marshall and Fairview Streets, the L.L. Tisdale Expressway and west of Main Street. The TMAPC and City Council unanimously approved the request.

**Z-6373 November 1992:** The homeowners of Brady Heights and Cheyenne Park requested rezoning on an area located east of the Osage Expressway to North Cincinnati Avenue, between Fairview Street and Pine Street from RM-1 to RS-4. This did not include the subject tract. All concurred in approving the rezoning request.

**BOA-15544 November 1, 1990:** The Board of Adjustment approved a Variance of the required setback or parking spaces from abutting R district from the centerline of Haskell Pl. from 50 ft. to 38 ft. for Use Unit 5; per revised site plan submitted; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot, on property located at the subject property.
Brady Heights Apartments
PUD APPLICATION
08.20.2014
BRADY HEIGHTS
Primary construction 1906-1925
★ Denotes Multi-Story Apartment & Commercial
Swan Lake - Primary Construction 1910-1930 (res); 1925-1935 (comm)
Swan Lake contains two and three story, 1920-1930 multi-family apartments
★ Denotes two and three story existing multi-family apartment dwellings
OWEN PARK
Primary Construction 1910-1930

★ Denotes existing multi-family apartment dwellings
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC

There is a general concern pertaining to the proposed PUD development located on the NW corner of W. Haskell Pl. and N Cheyenne Ave. The following will outline that this proposal is out of context, character, and scale for the Brady Heights Historic District, does not fit in any of the available zoning codes on record, does not follow the spirit and intent of a PUD, ignores specific goals of PlaniTulsa, and is generally a bad fit for the neighborhood. There three core arguments detailed below that will explain this concern. All efforts to verify facts and statements were done to the best of the author’s ability given reasonably available resources.

1. This project does not fit into existing zoning codes and does not follow the set out purposes of a Planned Unit Development (PUD).

The current RS-4 zoning of the area only allows for single family homes and duplexes by exception. Further, the current residential zoning codes in general do not allow for a 3 story structure to exist on the proposed lot due to distance requirements. A minimum of 75 feet of distance from any RS-4 zoning area is required for a 3 story building of this type. There simply isn’t enough lot space for this requirement. Nowhere in the city of Tulsa would this proposal be legal given the conditions set forth. PUD’s generally allow for a varied land use with multiple structures/spaces that harmonize with each other and offer a benefit to the area. A paraphrased purpose based on Tulsa’s zoning guide is:

Promote innovative land use with meaningful open space and flexible, creative, and continuous design while keeping with the character and function of the area.

This proposal is a single type structure with a non-innovative single use and very limited open space, benefiting the owner of the property over the surrounding area disproportionally, and not at all keeping with the character of a single family residential neighborhood.

2. Historic context and scale are out of alignment.

Historic context must be taken into consideration due to the HP zoning. This has particular relevance because the Preservation Commission of Tulsa has no opportunity to review or comment on this proposal beforehand. Having no chance to determine if this structure is at its core appropriate to the Brady Heights Historic District essentially leaves their hands tied allowing only review of aesthetics of an otherwise potentially inappropriate building.
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
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This neighborhood developed circa 1908-1920. The structures built in that era are the reason for its historical significance on the National Register and by extension the purpose of the historic district. There were simply no buildings like the proposed being built in the area at that time according to the historic Sanborn fire maps on file at the Tulsa Historical Society. The few buildings that are similar to the proposed (only one of which is 3 stories) were built in the 20’s and 30’s and are only minor contributors to the overall district. Further these brick structures were located along a single corridor of commercial activity (Latimer Corridor) and on the outskirts of the district (Fairview Apartments). Both of these areas are either commercially zoned or abut an RM-1 zoning.

Swan Lake Historic District has been paralleled for comparison and justification of this development. This confuses the issue because these two developments came about 10-15 years apart, and although that may seem like a short period of time, to an early developing Tulsa in the early 20th century, it makes a substantial difference. It is true that these types of buildings were and are an important part of the Swan Lake Historic District and its subsequent listing on the National Register, however what is significant to Swan Lake is not necessarily what is significant to Brady Heights. In fact one could argue the opposite; it is these differences that make them unique and worthy of historic designation. The preservation guidelines suggest looking to other properties of this type outside of the districts to glean insight in design, but this is because there are so few examples available from which to glean this insight. In the case of Brady Heights it is because they simply weren’t there in the first place.

Further, the scale of a three story building will have a dominating appearance in the streetscape. All of Cheyenne is populated with single story bungalows and small two story houses. The proposed height when taking into consideration its consistent width of roughly 100 feet will have the appearance of a much larger structure. If the peak of a two story gabled house is 30 feet, its relative width at that height is quite small. In fact the full width of the structure begins to reduce at roughly 20 feet in height. A large rectangular façade keeping its full width from grade to the top of the proposed 35 feet will without question feel considerably larger than the numbers might suggest on paper.

In addition, the topography of the area drops from West to East exacerbating this height difference. The required leveling of the grade will no doubt raise the current elevation of the East side of the lot. Houses on the East side of Cheyenne are already at a lower elevation than the current West side of the street. The combined affect of this will further accentuate the proposed building’s height and will by comparison dwarf the houses set to the East. The 3 story building will have a monolithic effect at this intersection.

25.21
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC
Page 3

3. Does not keep the fabric and framework of the community.

Departure from the intended preservation of the district will negatively impact property values. It is proven and commonly accepted that historic districts raise the value of the properties within their boundaries. This district’s unique character drives that value, and by departing from the very nature of this character, we run the risk of devaluing our properties, blurring the focus and vision of the people who worked so hard to create such a place. Housing prices and demand are on the rise in our neighborhood. In the past year 15 homes have sold within the district showing a roughly 20% increase in overall sale value over the previous year. Finished homes are selling before they are officially on the market and those that are listed are snapped up within a few weeks.

Overwhelmingly we have heard from people moving in that it is our tight knit community that makes Brady Heights special to them, why they chose to move in, and why they continue to stay. This community has lasted because property owners have a vested interest in their land and homes, and it is partly this ownership that helps to keep the community so engaged. Brady Heights is the closer neighborhood alternative for those who prefer residential streetscapes, but still want to maintain a walkable proximity to downtown. This is of particular importance because there are no other options like this surrounding the downtown area, specifically the popular Brady Arts and Blue Dome districts, as well as the important business sector centered around 3rd and Main.

The proposal’s argument that apartments used as transitional housing will lead to young professionals trying before buying into Brady Heights is based on supposition, and any evidence from other locations is largely irrelevant due to the unique dynamics of the City of Tulsa, the different areas of Tulsa, and the specific dynamics of the Brady Heights neighborhood. Our neighborhood currently has rental properties available for those interested in transitioning to single family residents through traditional single family homes for rent, garage apartments, and a few loft apartments in the 20’s era buildings mentioned above. This sort of transitional situation is more ideal than the typical complex proposed because of the realistic lifestyle of living in a single family home and the close relationship to the home owner in the garage apartment example. Transitional housing is important to any neighborhood, but the way in which the transition takes place is the sort of nuanced approach that shows thoughtful development.

PlaniTulsa Land Use Part 8, citing sections 3.2 and 3.6 support “the creation of higher density mixed-use areas at major centers served by transit”, and “Encourage new development to be appropriate to the context of its location in density, massing,
intensity and size, particularly when adjacent to existing residential areas and historic districts."; and "Design buildings to be compatible in height, scale, bulk and massing to the urban context and established character of the surrounding area."

This would suggest that the focus on high density should be towards downtown and that any infill in residential areas outside of the downtown core should be sensitive to its immediate surroundings with particular emphasis on historic districts.

Further, Plan iTulsa’s Housing Priority number 1 states in part, "The City should further develop its ability to preserve existing single-family areas."  

In conclusion, it is requested that this PUD be denied outright, as proposed, due to its non-typical design and scale for the streetscape, the neighborhood, and the historic period of significance. This district is the closer neighborhood alternative to the high density downtown core and this proposal lays the groundwork to change the nature of that important relationship. It is also requested that special consideration be made to historic context given that the Preservation Commission has no prior opportunity to review before a ruling must be made. Finally, it is requested that due consideration is given the fact that this development simply does not legally fit in any existing zoning code, nor does it follow the spirit and intent of a PUD.
For submission to the TMAPC public hearing on October 15, 2014 at 1:30pm
Agenda item: Z-7270 – 120 Development Group, LLC
Page 5

1 Zoning Code of the City of Tulsa, Title 42 Section 403-A, Item 1
2 Zoning Code of the City of Tulsa, Title 42 Section 1101. Purposes
3 Zoning Code of the City of Tulsa, Title 42 Section 1052-N
4 These maps are available in a digitized version through the Tulsa City County
Library as well as a physical version located at the Tulsa Historical Society
5 Sanborn Fire Maps 1915 Vol 1
6 *OGQ-87. Geologic map of the Tulsa 7.5’ quadrangle, Tulsa County, Oklahoma, by
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Publications/Lamont%20Lindstrom/2013/August/neighborhoodpreservation.aspx
8 http://www.zillow.com/homes/1_ah/Brady-Heights-Tulsa-OK_rb/
9 PlaniTulsa Comprehensive Plan Land Use Part 8 Section 3.2, Section 3.6; Housing
Part 3
Case Number: CZ-435

Hearing Date: October 15, 2014

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Smalygo Properties Inc
Property Owner: SMALYGO PROPERTIES INC

Applicant Proposal:

Present Use: Vacant

Proposed Use: Single-Family Residential Subdivision

Concept summary: Rezoning of property from AG to RE for a new residential subdivision.

Tract Size: 24+ acres

Location: North of northwest corner of N. Garnett Rd. & E. 176th St. N.

Zoning:
Existing Zoning: AG
Proposed Zoning: RE

Comprehensive Plan:
Land Use Map: n/a
Stability and Growth Map: n/a

Staff Data:
TRS: 2406
CZM: 4
Atlas: 0

Staff Recommendation:
Staff recommends approval.

County Commission District: 1
Commissioner Name: John Smaligo
SECTION I: CZ-435

CONCEPT STATEMENT:
The total parcel of land is approximately 24 acres. The applicant has indicated that the proposed use for the subject parcel will be for a new residential subdivision.

SECTION I: Detailed Staff Recommendation

CZ-435 is adjacent to existing single-family residences on large lots to the North, South, East and West, and:

RE zoning is harmonious with the existing and expected development on the site and the existing surrounding properties, therefore;

Staff recommends APPROVAL of CZ-435 for the rezoning from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site is outside the limits of the Comprehensive Plan in the City of Tulsa and was not included in the Tulsa Metropolitan Area Comprehensive Plan.

DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 24+ acres in size and is located North of the Northwest corner of East 176th Street North and North Garnett Road. The property appears to be vacant and is zoned AG.

Surrounding Properties: The subject tract is abutted on the North, East and West by farm land and single-family residence, zoned AG; and on the South by single-family residences, zoned AG.

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Utilities:

The subject tract does not have municipal water and sewer available.

EXHIBITS:

INCOG Case map
INCOG Aerial
Applicant Survey

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.
Surrounding Property:

**CZ-352 April 2005**: All concurred in approval of a request for rezoning a 19+ acre tract of land from AG to RE for a residential development, on property located south of the southeast corner East 186th Street North and North Garnett Road

**CZ-274 December 2000**: TMAPC recommended approval of a request to rezone a 9.3-acre tract located on the northeast corner of East 176th Street North and North 129th East Avenue from AG to RE for single-family development. Final hearing before the Board of County Commissioners has never been pursued by the applicant.
EXHIBIT

LEGEND

A/E ACCESS EASEMENT
B/L BUILDING SETBACK LINE
CL CENTER LINE
D/E DRAINAGE EASEMENT
POB POINT OF BEGINNING
R/W RIGHT-OF-WAY
U/E UTILITY EASEMENT

LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE SE/4 OF SE/4 OF SECTION 6, T-22-N, R-14-E, IB&L, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N 01°26'52" W ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 420.00 FEET; THENCE S 88°55'05" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°55'05" W A DISTANCE OF 256.00 FEET; THENCE N 01°26'52" W A DISTANCE OF 100.00 FEET; THENCE S 88°55'05" W A DISTANCE OF 248.00 FEET; THENCE S 01°26'52" E A DISTANCE OF 100.00 FEET; THENCE S 88°55'05" W A DISTANCE OF 764.85 FEET TO A POINT ON THE WEST LINE OF SAID SE/4 SE/4; THENCE N 01°26'52" W ALONG SAID WEST LINE A DISTANCE OF 901.31 FEET TO THE NORTHWEST CORNER OF SAID SE/4 SE/4; THENCE N 88°54'55" E ALONG THE NORTH LINE OF SAID SE/4 SE/4 A DISTANCE OF 978.45 FEET; THENCE S 01°26'52" E A DISTANCE OF 330.00 FEET; THENCE N 88°54'51" E A DISTANCE OF 290.40 FEET; THENCE S 01°26'52" E A DISTANCE OF 571.38 FEET TO THE POINT OF BEGINNING, CONTAINING 23.49 ACRES MORE OR LESS.

Royce
Land Surveying, P.C.

CERTIFICATE OF AUTHORIZATION NUMBER: 5270
EXPIRATION DATE: 06/30/2013

DRAWING NAME | REVISION |
-------------|----------|
11564—EXHIBIT4.dwg | 12324 EAST 86TH STREET NORTH #238 OWASSO, OK 74055 PH 918-376-9327 FAX 918-376-9425 | SCALE | DATE |
1"=100' | 03/29/12
**Case Number:** Z-7283  

**Hearing Date:** October 15, 2014

### Case Report Prepared by:
Jay Hoyt

### Owner and Applicant Information:
**Applicant:** Bart C. James  
**Property Owner:** H M D 31 LLC

### Location Map:  
(shown with City Council Districts)

![Map of Tulsa Metropolitan Area with Districts]

### Applicant Proposal:
**Present Use:** Vacant – Former Restaurant  
**Proposed Use:** Car wash  
**Concept summary:** Rezone OL/CS zoned property to CS zone.  
**Tract Size:** 1.78 ± acres 77345.45 ± sq. ft  
**Location:** West of southwest corner of E. 31st St. and S. Garnett Rd.

### Zoning:
**Existing Zoning:** OL/CS  
**Proposed Zoning:** CS

### Comprehensive Plan:
**Land Use Map:** Town Center  
**Stability and Growth Map:** Area of Growth

### Staff Data:
**TRS:** 9419  
**CZM:** 49  
**Atlas:** 749

### Staff Recommendation:
Staff recommends approval.

### City Council District:
6  
**Councilor Name:** Byron Steele

### County Commission District:
1  
**Commissioner Name:** John Smaligo

REVISED 10/6/2014
SECTION I: Z-7283

DEVELOPMENT CONCEPT:

Rezone property that is currently in both OL and CS zones to CS zone. Applicant proposes to construct a carwash at this location. Applicant has applied for a special exception to permit a carwash, Use Unit 17, in a CS district. The special exception case is on the 10/14 Board of Adjustment agenda.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map

DETAILED STAFF RECOMMENDATION:

Z-7283 requesting CS (Commercial Shopping Center) as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CS zoning is harmonious with existing surrounding property; and

CS zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends APPROVAL of Z-7283 for the rezoning from OL/CS to CS

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7283 is included in a Town Center and an Area of Growth. The rezoning request will complement the vision identified. The CS zoning designation will provide many future opportunities for development and allow density to match the long term vision for the area.

Land Use Vision:

Land Use Plan map designation: Town Center

Areas of Stability and Growth designation: Area of Growth

Land Use Plan map designation: The entire site is part of a Town Center Designation.

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

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 31st Street</td>
<td>Secondary Arterial</td>
<td>100'</td>
<td>4</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the East and North by shopping centers, zoned CS; on the south by multifamily housing, zoned RM-1; and on the west by a credit union, zoned OL.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 16315 dated October 19, 1983 (CS) and 11825 dated June 26, 1970 (OL), established zoning for the subject property.

Subject Property:

BOA-21781: There is a pending application to be heard on October 14, 2014, before the Board of Adjustment for a Special Exception to allow a car wash (UU17) in the CS District (Section 701, Table 1), on property located at and known as the subject property.

BOA-13524 April 4, 1985: The Board of Adjustment approved a Variance of the minimum frontage requirement in a CS district from 150 ft. to 98 ft.; finding the hardship was the taking of the 20 ft. for right-of-way purposes and a Special Exception to eliminate the use of a screening fence since the area is subject to flooding and a fence will dam up the flow, on property located west of southwest corner of E. 31st St. and S. Garnett Rd. and also known as the subject property.

Z-5865 October 1983: All concurred in approval of a request for rezoning a 4+ acre tract of land from OL to CS for all that portion that was not within the floodway, on property located east of the southeast corner of S. 108th E. Ave. and E. 31st St. and also known as the subject property.
Surrounding Property:

**Z-6495 August 1995:** All concurred in approval of a request for rezoning a 1+ acre tract of land from OL to CS for restaurant use, on property located east of southeast corner of S. 108th E. Ave. and E. 31st St. and abutting west of subject property.

10/15/2014 1:30 PM
SUBJECT TRACT

Aerial Photo Date: March 2014

Note: Graphic overlays may not precisely align with physical features on the ground.
SUBJECT TRACT

E 31st ST S

Z-7283

Aerial Photo Date: March 2014

19-14 19

Note: Graphic overlays may not precisely align with physical features on the ground.

27.7
**Tulsa Metropolitan Area Planning Commission**

**Case Number:** Plat Waiver Z 7283  
**Hearing Date:** October 15, 2014

<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Diane Fernandez</td>
<td><strong>Applicant:</strong> Bart James, Attorney for L&amp;L Industries, HMD 31, LLC</td>
</tr>
</tbody>
</table>

**Location Map:**  
(shown with City Council Districts)

![Location Map](image)

**Applicant Proposal:**  
Plat Waiver Request

- **Tract Size:** 1.78 ± acres  
- **Location:** 10910 East 31st Street

<table>
<thead>
<tr>
<th><strong>Zoning:</strong></th>
<th><strong>Staff Recommendation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Existing Zoning: Z-7283 pending</em></td>
<td><strong>Staff recommends approval.</strong></td>
</tr>
</tbody>
</table>

| **City Council District:** 6  
**Councilor Name:** Byron Steele |
|-------------------------------|-------------------------------|
| **County Commission District:** 1  
**Commissioner Name:** John Smaligo |

**EXHIBITS:**  
INCOG Aerial (small scale)  
Case Map
PLAT WAIVER

October 15, 2014

Z-7283 – 10910 East 31st Street (CD 6)

The platting requirement is being triggered by a rezoning from OL (office light) to CS (commercial shopping) and Special Exception for a car wash operation.

Staff provides the following information from TAC for their September 18, 2014 meeting:

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

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: Floodplains are required to be placed in an overland drainage easement.

FIRE: Emergency exit on access drive will need to be 20 feet wide or an approved turnaround will need to be provided for the vacuum drive. Further options can be discussed.

UTILITIES: No comment.

Staff recommends APPROVAL of the plat waiver for the platted property pending the rezoning and board of adjustment approval.

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

1. Has Property previously been platted? Yes X
2. Are there restrictive covenants contained in a previously filed plat? X
3. Is property adequately described by surrounding platted x properties or street right-of-way?

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan? X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?  
6. Infrastructure requirements:  
   a) Water  
      i. Is a main line water extension required?  
      ii. Is an internal system or fire line required?  
      iii. Are additional easements required?  
   b) Sanitary Sewer  
      i. Is a main line extension required?  
      ii. Is an internal system required?  
      iii. Are additional easements required?  
   c) Storm Sewer  
      i. Is a P.F.P.I. required?  
      ii. Is an Overland Drainage Easement required?  
      iii. Is on site detention required?  
      iv. Are additional easements required?  

7. Floodplain  
   a) Does the property contain a City of Tulsa (Regulatory) Floodplain?  
   b) Does the property contain a F.E.M.A. (Federal) Floodplain?  

8. Change of Access  
   a) Are revisions to existing access locations necessary?  

9. Is the property in a P.U.D.?  
   a) If yes, was plat recorded for the original P.U.D.  

10. Is this a Major Amendment to a P.U.D.?  
    a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  

11. Are mutual access easements needed to assure adequate access to the site?  

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?  

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk’s office by the applicant.
This is for Case Numbers PUD-821 and CZ-436.

-----Original Message-----
From: Barbara Carson [mailto:barbaracarson@yahoo.com]
Sent: Tuesday, October 07, 2014 2:52 PM
To: Hoyt, Jay
Subject: Snow Cattle Company

This is a confirmation email that we agree to continue our hearing set for October 15 to November 19.

Thank you for all your assistance.

Barbara Carson, Esq.
624 S. Denver, Suite 202
Tulsa, OK 74119
(918) 605-8862
## Case Report Prepared by:
Dwayne Wilkerson

### Location Map:
(shown with County Commission Boundaries)

![Location Map](image)

### Zoning:
**Existing Zoning:** RM-0, RS, CS  
**Proposed Zoning:** RS, RM-0, CS, PUD-822

### Comprehensive Plan:
**Land Use Map:** n/a  
**Stability and Growth Map:** n/a

### Applicant Proposal:
**Present Use:** Vacant  
**Proposed Use:** Zero lot line single-family homes with private street and gated entry  
**Concept summary:** This PUD is implemented for the benefit of the developer as part of the land transaction schedule. The final goal for this project will include Broken Arrow annexation with a new PUD, Subdivision Plat and City of Broken Arrow services. Rezoning is not required for this project.  
**Tract Size:** 27 ± acres  
**Location:** South and west of the southwest corner of S. 129th E. Ave. and E. 101st St. S.

### Staff Data:
**TRS:** 8429  
**CZM:** 58  
**Atlas:** NA

### Staff Recommendation:
Staff recommends approval for PUD however we recognize that the City of Broken Arrow and Tulsa County will be coordinating stormwater, utility connections and transportation planning. We expect Broken Arrow to require annexation and a new PUD when annexed.

### County Commission District:
**Commissioner Name:** Ron Peters  
**County Commission District:** 3
SECTION I: PUD-822

DEVELOPMENT CONCEPT:

Rabbit Run is comprised of 27.4 acres of land south and west of the southwest corner of East 101st Street South (West New Orleans Street) and South 129th East Avenue (South Olive Avenue). A decorative wall will run along the frontage of both such streets and will blend architecturally with the entry features. A Boundary Map of Rabbit Run is attached hereto as Exhibit "A".

Rabbit Run is a master planned zero lot line single family residential development. The Conceptual Site Plan for Rabbit Run is attached hereto as Exhibit "B".

Rabbit Run will be comprised of 115 lots and 17 Reserve Areas. The Reserve Areas will be designed as Project amenities and will contain many special features such as private streets, entry monuments, sidewalks, common parking areas, detention areas, signage, a clubhouse, a private park with walking trails, playground and recreational facilities. A home owners association will be established to provide for the maintenance, repair and replacement of the Reserve Areas and the improvements constructed therein.

Rabbit Run will be gated and will be served by private streets. The private streets will be constructed within a thirty (30) foot wide Reserve Area. The pavement cross-section will be constructed to provide for a minimum of twenty-seven (27) feet from the back of curb to back of curb for a two (2) lane driveway. Roll back or lay back curbs will be permitted. A four (4) foot sidewalk will be constructed on both sides of the street curb, except where parking bays are provided and at such locations the sidewalk width may be increased to five (5) feet. Decorative paving materials such as brick colored and or stamped concrete or colored concrete blocks may be substituted for plain concrete in key locations or for the entire sidewalk and walkway system. Additionally, at the corners of the property, flag lots may be utilized together with cross access easements.

An unnamed tributary to Haikey Creek bisects the property running east to west and will be wholly located within a Reserve Area and generally left in its natural condition, except for private street crossings, sidewalks, recreational facilities, detention facilities and any required utilities.

Except for utilities along the arterial streets, all utilities within the Project will be located underground.

There are two public street stubs leading into the development from the south and west and neither of these streets will be extended into the Project.
Rabbit Run is zoned RS – Residential Single Family District and RM-O – Residential Multifamily Lowest Density District and no rezoning will be required to support this PUD.

EXHIBITS:
INCOG Case map
INCOG Aerial
Applicant Exhibits:
Exhibit A: Boundary Map
Exhibit B: Conceptual Site Plan
Exhibit C: Access and Circulation Plan
Exhibit D: Landscape and Screening Plan
Exhibit E: Existing and Proposed Utilities
Exhibit F: Area Zoning Map
Exhibit G: Aerial Photograph – Land Uses

PUD-822 DEVELOPMENT STANDARDS:

LAND AREA:

GROSS: 1,195,345.03 SF 27.441 AC
NET: 1,135,307.28 SF 26.063 AC

PERMITTED USES:
Uses permitted as a matter of right in Use Unit 6, along with customary and accessory uses including but not limited to detached accessory buildings, gated entry, entry monuments, landscaped entrances, sidewalks, signage, security gate house, clubhouse and related recreational facilities, including food preparation facilities for residents only and meeting rooms, project sales offices, park and open spaces, playground and related recreational facilities, maintenance facilities, court gates, common parking areas, trails and walkways, detention facilities, picnic shelters and picnic facilities, gazebos and water features, private street crossing and related bridge, and other uses incidental thereto.

MAXIMUM NUMBER OF LOTS: 115

MINIMUM LOT WIDTH: 50 FT*
* Except for flag and cul-de-sac lots which will have an eighteen (18) foot minimum width at the building line.

MINIMUM LOT AREA: 5200 SF

MAXIMUM BUILDING HEIGHT:

RESIDENTIAL STRUCTURES: 35 FT
NON-RESIDENTIAL STRUCTURES: 25 FT

LIVABILITY SPACE PER DWELLING UNIT: 1200 SF

\[31.3\]
LAND AREA PER DWELLING UNIT: 4000 SF

OFF STREET PARKING:
Two (2) enclosed off-street parking spaces per dwelling unit and at least two (2) additional off-street parking spaces per dwelling unit.

MINIMUM YARD REQUIREMENTS:

External Boundaries:
From property line abutting South 129th East Avenue (S. Olive Avenue) 30FT
From property line abutting East 101st Street South (W. New Orleans) 30FT

From the north and east property lines
Adjacent to commercial and/or multi-family areas 20FT
From the south property line 20FT
From the west property line 20FT

Internal Boundaries:
Front Yard Setbacks:
From lots required to have a sidewalk 25 FT*

* Such twenty-five (25) foot front yard setback may be reduced to fifteen (15) feet for a garage provided the garage doors are located at 90 degrees from the street line and the garage is side loaded. A fifteen (15) foot setback shall be allowed for the habitable portion of the structure provided that the garage is located at least twenty-five (25) feet from the street.

Side Yard Setbacks 1 FT and 9 FT**

** Side yard setbacks shall be a minimum of one (1) foot on one lot line and nine (9) feet on the other lot line ensuring there will be a minimum of ten (10) feet between buildings.

Side yard setbacks on corner lots shall be a minimum of fifteen (15) feet providing the garage does not front upon the street.

Rear Yard Setbacks: 20 FT***

*** Except for lots that back up to the open space park the minimum rear yard can be reduced to ten (10) feet.

Detached accessory buildings shall comply with the minimum yard requirements for principal structures.
PRIVATE STREETS:
Minimum width: 30 feet of reserve area with 27 feet of paving*

Sidewalks will be placed on both sides of the streets however where streets abut common open space the sidewalks may extend into the common area generally following the street alignment.

* The streets within the Project will be designed and constructed to the standards of the City of Broken Arrow. No streets will be constructed within the Project without the approval of the Director of Development Services of the City of Broken Arrow or his successor.

ENTRY GATES:
Entry gates, guard houses and decorative monuments, if proposed, must receive Detail Site Plan approval from the appropriate Planning Commission or prior to the issuance of a building permit. Entry gates are anticipated at the stub street locations along the west and south boundaries of the subdivisions.

Stub streets from adjacent subdivisions will be terminated with an appropriate vehicular turn around on the public side of the gates. The turnaround will meet the standards of the fire department and/or provide adequate turn around without backing out of the stub street or using private driveways.

SIGNS:
Entry identification signs shall be permitted with a maximum display surface area of 48 square feet of display surface area on each side of the entrance from East 101st Street South and 48 square feet of display surface area on each side of the entrance from South 129th East Avenue. The total entry identification signage at each such entry will not exceed 96 square feet of display surface area.

VEHICULAR ACCESS AND CIRCULATION:
Entry into Rabbit Run will be via East 101st Street South and South 129th East Avenue.

Within the subdivision, access will be by private streets. Ownership of the private streets will be transferred to the home owners association. After transfer, the private streets will be maintained by the home owners association.

PEDESTRIAN ACCESS:
Sidewalks will be constructed on both sides of the private streets. The locations shown on the Access and Circulation Plan attached hereto as Exhibit “C” do not completely show the sidewalk system however it does provide a general outline of the anticipated trail system in the green space.
LANDSCAPING AND SCREENING PLAN:
The Project will be extensively landscaped and will be screened by a 6 foot high decorative screening wall on the north boundary along East 101st Street South, on the East boundary along South 129th East Avenue, on the commercial area along the north and east boundary lines and a 6 foot wood screening fence along the west and south boundary lines as shown on the Landscaping and Screening Plan attached hereto as Exhibit "D".

ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY:
Rabbit Run is an undeveloped property with significant vegetation including large trees and a large creek that extends from South 129th East Avenue to the western property boundary. The area on the north side of the creek drains from northeasterly to the south and the area on the south side of the creek drains from the southeasterly direction north to the creek. Runoff from this site discharges to the west into a platted reserve area within Southern Trails Estates.

The Project soil composition consists of variable classifications with mostly silt loams or silty clay loams. These soils are sufficient for residential type construction.

DRAINAGE AND UTILITIES:
Storm water detention will be provided on-site within a platted Reserve Area located around the creek area. Electric, cable and gas are readily available to the site with service coming from the platted subdivisions to the south and west. Water line and sanitary sewer service will be provided by the City of Broken Arrow with service coming also from the south and west existing facilities.*

The Existing and Proposed Utilities are shown on Exhibit "E" attached hereto.

*Water, sanitary sewer and stormwater facilities will be designed and constructed to the standards of the City of Broken Arrow. No water, sanitary sewer or stormwater facilities will be constructed within the Project without the approval of the Director of Development Services of the City of Broken Arrow or his successor.

EXISTING ZONING AND LAND USE:
Rabbit Run is currently zoned RS and RM-O.

An Area Zoning Map, Exhibit "F", shows the existing zoning and the proximity of Rabbit Run and an Aerial Photograph – Land Uses, Exhibit "G", shows the uses of the property within the vicinity of the Project.

SITE PLAN REVIEW:
No building permit will be issued until a subdivision plat, which will serve as the site plan, is approved and filed of record with the Tulsa County Clerk.
The neighborhood signage and all common area lighting will require Site Plan approval through the Tulsa Metropolitan Area Planning Commission.

**SCHEDULE OF DEVELOPMENT:**
Initial construction is anticipated to commence in the Spring of 2015, once the PUD and subdivision plat have been completed and approved. It is anticipated that the initial Tulsa County PUD will be abandoned when the project is annexed into the City of Broken Arrow. At that time the City of Broken Arrow will require a new Planned Unit Development that may modify some of the development standards contained in this Tulsa County PUD 822.

**NEIGHBORHOOD IDENTIFICATION SIGN AND LIGHTING:**
Neighborhood identification signage and lighting is expected as part of the screening and entry features. Concept plans have not be prepared for this portion of the PUD submittal however any lighting and signage will meet the minimum standards for the current City of Broken Arrow Zoning Code.

**DETAILED STAFF RECOMMENDATION:**
PUD-822 is consistent with the City of Broken Arrow Comprehensive Plan Land Use classification system and;

The development standards defined herein are consistent with the PUD chapter in the Tulsa County zoning code and;

The developer, project engineer, project attorney have expressed a desire to annex this property into the City of Broken Arrow and are working with Broken Arrow to insure that the development standards on all levels of planning and engineering are compatible with Broken Arrow standards in anticipation of future annexation procedures and;

The proposed project is consistent with the expected development of the proximate properties therefore;

Staff recommends Approval of PUD-822 as outlined in Section I above.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE BROKEN ARROW COMPREHENSIVE PLAN:**

*Staff Summary:* This site is part of a 40 acre parcel that has never been annexed and is completely surrounded by the City of Broken Arrow and is included in their Comprehensive Plan. This project will ultimately be served by City of Broken Arrow services.

*Land Use Vision:*
The City of Broken Arrow Comprehensive plan illustrates this area as being in the Transition area at the edge of a Commercial/Employment node.
The Transition Area (Level 3) generally allows development that is compatible with both the single family residential development on the west and south and the Commercial and Employment node to the north and east. That land use can allow multi family, office and other uses that generally provide a lower density land use as development patterns extend away from the higher intensity node at the intersection.

**Broken Arrow Comprehensive Plan Land Use Designations**

*Land Use Plan map designation: Broken Arrow Comprehensive Plan Land Use Designations*

*Level 4: Commercial/Employment Node*
Land Use Intensity Level 4 represents the typical local commercial and office intensity of land use in Broken Arrow. The Level 4 classification generally designates commercial or office activities that have developed in notes around arterial street intersections. Examples of uses would include free-standing commercial buildings, small-scale shopping centers, and office developments permitted in Level 3. No residential uses are permitted within Level 4.

Level 3: Transition Area

Single Family residential districts are possible and multi family residential districts are allowed as defined on the Land Use Intensity System Zoning District Table. Land Use Intensity Level 3 represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for Level 3 are higher density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and and planned office parks.

Transportation Vision:

Major Street and Highway Plan: The Tulsa Metropolitan area major street and highway plan illustrates Olive and New Orleans as part of the basic transportation system for arterial street standards. During the development of this project specific details for appropriate connections from private to public streets will be determined by the developer in agreement with City of Broken Arrow Standards.

Trail System Master Plan Considerations: None

Small Area Plan: None in Tulsa County or in Broken Arrow

Special District Considerations:

This City of Broken Arrow will ultimately require annexation or some form of agreement prior to allowing the developer to connect to the public street system or the public utilities. During the technical advisory committee meeting Broken Arrow representatives were present and established the beginnings of a working relationship with the County Engineer. Both agreed that this project was consistent with the anticipated future growth in this area and were in agreement to make sure that all development would meet City of Broken Arrow Engineering and planning standards.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is heavily wooded and surrounded on the west and south with single family residential neighborhoods. The significant environmental features are the existing tree canopy and creek on the site. The density of the
neighborhood will destroy many of the trees however the plan is sensitive to maintaining as much of the natural character of the creek area as possible after utility and trail construction.

Environmental Considerations:
The site is bisected by a significant natural creek flowing from east to west that will be preserved as green space. Site plan development for street configuration and lot placement allow significant green space for the future enjoyment of the residence in this neighborhood.

<table>
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<td>South 129th East Avenue (South Olive Ave.)</td>
<td>Secondary Arterial</td>
<td>100 feet</td>
<td>2</td>
</tr>
<tr>
<td>East 101st Street (West New Orleans St.)</td>
<td>Primary Arterial</td>
<td>120 feet</td>
<td>2</td>
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</table>

Utilities:
The subject tract does not have municipal water and sewer available. The City of Broken Arrow will require annexation or some other agreement to allow utility service connections. The details will be worked out during the subdivision plat process. During the technical advisory committee meeting staff from INCOG, Tulsa County engineering, City of Broken Arrow development services, the applicant, project engineer and project attorney were all in agreement that the utility and street infrastructure system would work together to provide site utilities, stormwater drainage and pavement systems that could be ultimately annexed into the City of Broken Arrow meeting all City of Broken Arrow Engineering Standards.

Surrounding Properties: The subject tract is abutted on the North by a mix of PUD 75 and A-1 zoning classification, on the east by A-1 zoning, and on the west and south by existing single family residential subdivisions zoned RS-2 and R-2.

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 104827 dated September 16, 1983, established zoning for the subject property.

Subject Property:
CZ-85 September 1983: All concurred in approval of a request for rezoning a 40± acre tract of land from AG to CS/ RM-0/ RS for commercial and residential uses, on property located on the southwest corner of E. 101st St. and S. 129th E. Ave. and also known as part of the subject property.
SUBJECT TRACT

PUD-822

Aerial Photo Date: March 2014

Note: Graphic overlays may not precisely align with physical features on the ground.
APPROXIMATELY 27.44 ACRES
LEGEND

- PARK AND / OR OPEN SPACE
- 10' LANDSCAPE BUFFER

27.44 TOTAL ACRES
5.01 AC OPEN SPACE / PARK LAND
18.25% OPEN SPACE

LANDSCAPING AND SCREENING PLAN
RABBIT RUN

EXHIBIT D

DATE SEP 3, 2014

31.14
**TMA PC**

Tulsa Metropolitan Area Planning Commission

<table>
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<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jay Hoyt</td>
<td>Applicant: Sack and Associates, Ted Sack</td>
</tr>
<tr>
<td></td>
<td>Property Owner: 75 NORTH CENTER LLC</td>
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<thead>
<tr>
<th>Location Map:</th>
<th>Applicant Proposal:</th>
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<tbody>
<tr>
<td>(shown with County Commission Districts)</td>
<td>Present Use: Vacant</td>
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<tr>
<td>[Location Map Image]</td>
<td>Proposed Use: Abandon a portion of PUD-717 (Tract B-1)</td>
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<td>Concept summary: Abandon a portion of Tract B within PUD-717</td>
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<td>Tract Size: 7 ± acres</td>
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<td>Location: South of southwest corner of E. 116th St. and N. 44th E. Ave.</td>
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<tr>
<th>Zoning:</th>
<th>Staff Recommendation:</th>
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<td>Existing Zoning: IL/ PUD-717</td>
<td>Staff recommends approval.</td>
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<tr>
<td>Proposed Zoning: IL/ PUD-717-A Abandonment</td>
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<th>Comprehensive Plan:</th>
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<td>Land Use Map: N/A</td>
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<td>Stability and Growth Map: N/A</td>
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<tr>
<th>Staff Data:</th>
<th>County Commission District: 1</th>
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<tr>
<td>TRS: 1309</td>
<td>Commissioner Name: John Smaligo</td>
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<tr>
<td>CZM: 10</td>
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<tr>
<td>Atlas: 0</td>
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**Case Number:** PUD-717-A Abandonment

**Hearing Date:** October 15, 2014

**Staff Data:**

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<tr>
<th>TRS: 1309</th>
<th>CZM: 10</th>
<th>Atlas: 0</th>
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</table>
SECTION I: PUD-717-A Abandonment

DEVELOPMENT CONCEPT:

The applicant is proposing to abandon a portion of PUD-717. A lot split has been applied for to create Tracts B-1 and B-2 from the existing Tract B. This proposal abandons PUD-717 for Tract B-1 only. Tract B-2 is to remain within the existing PUD.

A minor amendment has been applied for to reallocate the floor area that is allowed for Tract B within PUD-717 to reduce the allowable floor area within B-1 to 0 sf and to allocate the allowed 35,000 sf to new Tract B-2.

The applicant has applied for a lot combination to combine Tract B-1 with the adjacent Tract to the North, Tract C as shown on the applicant’s exhibit included with this report. This proposed lot combination is the reason behind abandoning the PUD within Tract B-1 as combining a lot outside of a PUD with a lot within a PUD is not allowed.

PUD-717 Abandonment DEVELOPMENT STANDARDS:

All existing Development Standards within the remaining portions of PUD-717 shall remain in effect, including minor amendment PUD-717-2 if approved.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of PUD-717 abandonment as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site is outside the limits of the Comprehensive Plan in the City of Tulsa and was not included in the Tulsa Metropolitan Area Comprehensive Plan.

DESCRIPTION OF EXISTING CONDITIONS:

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>North 41st East Avenue</td>
<td>N/A</td>
<td>N/A</td>
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Surrounding Properties: The subject tract is abutted on the east by a storage facility, zoned IL; on the north by a single-family residence, zoned AG; on the south by farm land, zoned AG; and on the west by vacant land, zoned AG.

EXHIBITS:

INCOG Case map
INCOG Aerial
Applicant Legal Description
Applicant Proposed Tracts
SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 198944 dated August 22, 2005 (PUD-717), and number 192098 dated February 23, 2004 (CZ-333), established zoning for the subject property.

Subject Property:

PUD-717 August 2005: All concurred in approval of a proposed Planned Unit Development on a 22+ acre tract of land for commercial and storage use, per conditions, on property located on the southwest corner of East 116th Street North and U.S. Highway 75.

CZ-333 January 2004: A request to rezone a tract of land from AG to IL or CG was filed. Staff recommended denial of both the IL and the CG as the property was designated as a Corridor Intensity- Agricultural district. The request was amended by the applicant and all concurred in approval to rezone the north 660 feet to IL, leaving the southern portion of the tract AG on property located on the southwest corner of East 116th Street North and U.S. Highway 75. (Related to PUD-717)

Surrounding Property:

CZ-421 June 2013: All concurred in approval of a request for rezoning a 6+ acre tract of land from AG to IL for highway maintenance facility for Tulsa County, on property located south of southwest corner of North Yale Avenue and East 116th Street North.

CZ-386 August 2007: The staff and TMAPC recommended for denial of a request for rezoning a 10+ acre tract of land from AG to IL for farm equipment sales on property located south of the southeast corner of East 116th Street North and North Yale Avenue and abutting south of subject property. The applicant appealed it to the County Commissioners and they approved the application for IL zoning.

CZ-351 April 2005: Staff and TMAPC concurred in denial of a request for rezoning a 12.49+ acre tract of land from AG to IH, but approval of IL on property located on the southeast corner of U.S. Highway 75 and East 116th Street North. The Board of County Commissioner's however, approved IH zoning.

10/15/2014 1:30 PM

323
PUD-717-A ABANDONMENT

Aerial Photo Date: March 2014

Notes: Graphic overlays may not precisely align with physical features on the ground.
LEGAL DESCRIPTION
(TRACT B1)

A TRACT OF LAND THAT IS PART OF LOT 2 IN BLOCK 1 OF "75 NORTH CENTER" A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NUMBER 5934 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N 01°26'00" W ALONG THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET; THENCE S 88°34'32" W AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 2 FOR 654.51 FEET; TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 88°34'32" W FOR 144.49 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 391.50 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 2; THENCE S 88°34'32" W ALONG SAID SOUTHERLY LINE FOR 457.63 FEET TO THE SOUTHWEST CORNER OF LOT 2; THENCE N 01°24'11" W ALONG THE WESTERLY LINE OF LOT 2 FOR 570.10 FEET TO THE NORTHWEST CORNER OF LOT 2; THENCE S 83°50'37" E ALONG THE NORTHERLY LINE OF LOT 2 FOR 607.14 FEET; THENCE S 01°26'00" E AND PARALLEL WITH THE EASTERLY LINE OF LOT 2 FOR 98.51 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 262,516 SQUARE FEET OR 6.0265 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE RECORDED PLAT OF "75 NORTH CENTER".

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON AUGUST 6, 2014. (CA NO. 1783)