

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2195

Wednesday, March 3, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Ledford	Beach	Swiney, Legal
Carnes		Dunlap	Counsel
Dick		Huntsinger	
Harmon		Stump	
Hill			
Horner			
Jackson			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 1, 1999 at 10:44 a.m., posted in the Office of the City Clerk at 10:27 a.m., as well as in the office of the County Clerk at 10:28 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of February 10, 1999, Meeting No. 2192:**

On **MOTION** of **HARMON** the TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 10, 1999 Meeting No. 2192.

#### **Approval of the minutes of February 17, 1999, Meeting No. 2193:**

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 17, 1999 Meeting No. 2193.

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### REPORTS:

#### Chairman's Report:

Mr. Boyle announced that Mr. Westervelt will be representing the TMAPC at the City Council meeting Thursday evening, March 4<sup>th</sup>.

**Committee Reports:**

**Budget and Work Program Committee**

Mr. Horner reported that there will be a work session meeting immediately following today's meeting in Room 1101, City Hall.

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**Director's Report:**

Mr. Stump reported that there are several items on the City Council meeting. He indicated that Dane Matthews will be representing staff at the meeting.

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**LOT-SPLIT FOR DISCUSSION:**

**L-18804 - Sack & Associates, Inc. (784)**

(PD-18) (CD-8)

Northeast corner East 71<sup>st</sup> Street South and 109<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Beach stated that this application is a request to split a tract of land, located within PUD 567-B, into four tracts. Staff has reviewed the application and would recommend approval of the lot-split application with the condition that a recordation of revised covenants for Lot 1, Block 2, Woodland Park Center be processed, and that the floor area is allocated among the four tracts as follows:

<u>Tract</u>	<u>Tract Area</u>	<u>Building Area</u>
Tract "A"	4.40 acres	110,000 S.F.
Tract "B"	2.30 acres	55,000 S.F.
Tract "C"	3.27 acres	25,000 S.F.
Tract "D"	0.98 acres	10,000 S.F.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin, Tulsa, OK 74120, stated that he is in agreement with staff's recommendation; however, there is an accompanying item on this agenda.

**AND**

**PUD-567-B&C - (784)**

(PD-18) (CD-8)

Southeast corner East 71<sup>st</sup> Street and South 109<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Beach stated that this application is for a plat waiver. The approval of the major amendment to the PUD triggered the platting requirement. The property was recently platted as Woodland Park Center.

Staff waived formal TAC review of this request and **recommends approval** of the plat waiver.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the Lot-Split for L-18804 and the Plat Waiver for PUD-567-B&C, subject to conditions and 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 as recommended by staff.

\* \* \* \* \*

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

- |   |                  |
|---|------------------|
| <b><u>L-18791 - C. J. Butler (2790)</u></b>                                     | (PD-23) (County) |
| 4607 South 225 <sup>th</sup> West Avenue  |                  |
| <b><u>L-18795 - Mary E. Shaffer (3514)</u></b>                                  | (PD-15) (County) |
| 7001 North 129 <sup>th</sup> East Avenue  |                  |
| <b><u>L-18796 - Don Tunnell (3192)</u></b>                                      | (PD-23) (County) |
| 7300 Southwest Boulevard  |                  |
| <b><u>L-18797 - Tim Condrin (3483)</u></b>                                      | (PD-26) (CD-8)   |
| 11606 South Hudson Place  |                  |
| <b><u>L-18799 - Brandon Perkins (874)</u></b>                                   | (PD-19) (County) |
| Southwest corner 131 <sup>st</sup> Street South & 121 <sup>st</sup> East Avenue |                  |
| <b><u>L-18801 - Holiday Properties, Inc. (2593)</u></b>                         | (PD-17) (CD-5)   |
| 9200 Block of East 41 <sup>st</sup> Street                                      |                  |
| <b><u>L-18802 - Patricia L. Carden (102)</u></b>                                | (PD-24) (County) |
| 6419 North Norfolk  |                  |
| <b><u>L-18805 - Brad Guidry (1283)</u></b>                                      | (PD-18) (CD-8)   |
| 7950 South 85 <sup>th</sup> East Avenue   |                  |
| <b><u>L-18814 - City of Tulsa (383)</u></b>                                     | (PD-18) (CD-7)   |
| 5555 East 71 <sup>st</sup> Street   |                  |
| <b><u>L-18815 - City of Tulsa (183)</u></b>                                     | (PD-18) (CD-7)   |
| 6224 South Mingo Road   |                  |

**Staff Recommendation:**

Mr. Beach stated that everything is in order on these lot-splits and staff recommends approval.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lot 7, Block 2, Anderson Addition**

5880 South Mingo Road

**Staff Recommendation:**

Mr. Beach stated that everything is in order for this change of access. He indicated that the Traffic Engineer has signed off and staff recommends approval.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 7, Block 2, Anderson Addition as recommended by staff.

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**PRELIMINARY PLAT:**

**Red Crown Federal Credit Union (1583)**

(PD-18) (CD-8)

East of the northeast corner East 91<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

Mr. Beach stated that the Red Crown Federal Credit Union is a subdivision of 2.9276 acres into one lot, one block. It is currently zoned OL and will be developed for bank use. The Board of Adjustment recently approved a drive-in bank on this site. The site plan shows a 9,000 SF building with a 4,480 SF expansion. It will include three drive-through lanes now and three additional lanes in the future. Parking for 69 cars is shown with room for expansion of 36 additional spaces.

The following were discussed **February 18, 1999** at the Technical Advisory Committee meeting:

### 1. **Streets/access:**

- Beach, staff, noted that the westernmost proposed access extends three feet into the existing grading/retaining wall easement. He also noted that the westernmost drive is shown on the site plan stubbed at the north property line as if to provide a through street to serve the property to the north and possibly extend west to Yale. Zoning on property to the north would have to be changed from residential to allow this access. He also noted that the same drive is only separated by 60 feet from Braden Avenue across 91<sup>st</sup> Street.
- Sack, applicant, stated that the grading/retaining wall easement is no longer needed and will be vacated. He confirmed the intent to provide access to the north and through to Yale. It will be dedicated as a mutual access easement, not a public street.
- Eshelman, Traffic, stated he has no concern with the 60-foot separation from Braden.

### 2. **Sewer:**

- Beach, staff, noted that there is an existing sewer along the east side of Yale, about 550 feet away. No easements were granted in 9100 Yale to the west to allow extension of the sewer. Presumably it will be extended down 91<sup>st</sup> Street.
- Sack, applicant, stated that there is also existing sewer in 9100 Yale that could be extended to serve this property. Sewer service will be extended from either location.
- Vaverka, Wastewater, confirmed the locations of both sewers and expressed no preference for which one is used to serve this property.

### 3. **Water:**

- Beach, staff, noted there is a 12" water line along the south side of 91<sup>st</sup> Street and an existing 20' water easement along the east boundary of the subject tract to the north boundary. Beach asked if the main would be extended to north property line.
- Lee, Water, requested that Mr. Sack ask the Fire Marshal whether a fire hydrant would be needed near the north end of the property and if so, the water line would be required to be extended.
- Sack, applicant, stated that he would consult with the Fire Marshal.

### 4. **Storm Drainage:**

- Beach, staff, described the existing topo and asked if detention would be required. About half the site currently drains to the northwest. The other half drains to the east to the adjacent property and southeast to 91<sup>st</sup> Street.
- Payne, Development Services, stated that fees in lieu of detention would probably be allowed.

**5. Other:**

- Beach, staff, asked about the 50' right-of-way agreement to ONG shown on site plan that is not shown on the plat.
- Miller, ONG, stated that it should be shown on the plat with the book and page number.
- Beach, staff, asked how the unplatted north property would be served by utilities.
- Miller, ONG, and Pierce, PSO, agreed that a 17.5-foot utility easement is needed along the west property line.

**Staff recommends approval** of the preliminary plat subject to the following:

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. A mutual access easement should be shown along the west side of the property from the south property line to the north property line.
2. Existing grading/retaining wall easement should be vacated.
3. Extension of a water main to the north property line.
4. Show existing 50' right-of-way in favor of ONG with book and page number.
5. Dedicate a 17.5' utility easement along west side of property.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA, as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation, (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. All other Subdivision Regulations shall be met prior to release of final plat.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he is in agreement with the staff's recommendation.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Preliminary Plat for Red Crown Federal Credit Union, subject to conditions as recommended by staff.

\* \* \* \* \*

**Tail Wheel Addition (0213)**

(PD-15) (County)

West side of North 73<sup>rd</sup> East Avenue, south of East 126<sup>th</sup> Street North

**Staff Recommendation:**

Mr. Beach stated that this is a subdivision of 61.2339 acres into 22 lots in two blocks. It will be developed for rural large-lot residential use combined with private airport use in AG zoning. The site is adjacent to an existing private airstrip. The plat proposes mutual access easements serving each lot for airplane access to the airstrip. County Board of Adjustment approval of airport use will be required. TAC reviewed this plat as a sketch plat on 9/3/98.

The following were discussed **February 18, 1999** at the **Technical Advisory Committee** meeting:

**1. Streets/access:**

- Beach, staff, noted that access would be from 126<sup>th</sup> Street North via a private road that serves the adjacent residences to the east. The proposed 73<sup>rd</sup> East Avenue does not align with the private road but connects at the corner. How is the connection made between proposed 73<sup>rd</sup> East Avenue and the existing private road? Should the right-of-way dedication be extended north to 126<sup>th</sup> Street? Are the internal streets proposed to be open ditch, uncurbed? Is one stub street (122<sup>nd</sup> Street) sufficient to the west? Only one access point to the airstrip from the 120-foot mutual access easement is shown at the northeast corner of the property. Is this enough? Is there any concern with crossing public streets with airplanes?
- Denney, Applicant, stated that there would be a jog in the road to make the connection between the private drive and the proposed 73<sup>rd</sup> East Avenue. The streets will be open-ditch, paved streets built to County standards. The owner considers the single access point to the airstrip to be sufficient given the low volume of airplane traffic.
- Rains, County Engineer, stated that he wants to see street details. He would prefer dedication of the street out to 126<sup>th</sup> Street North but would accept the proposal as shown. He is satisfied with the single stubbed street to the west. He wants signs posted at all airplane crossings. He noted that the standard right-of-way width is 60 feet. This proposal is for 50 feet plus a five-foot drainage easement on each side. This was discussed prior and he will accept it.

**2. Sewer:**

- Beach, staff, asked how sewer would be handled.
- Denney, applicant, stated each lot would be served by a septic system approved by DEQ.

**3. Water:**

- Beach, staff, asked how water service would be handled.

- Denney, applicant, stated this is in a rural water district that has agreed to provide service.

#### **4. Storm Drainage:**

- Beach, staff, noted the five-foot drainage easement on each side of the internal streets.
- Miller, ONG, expressed concern that the drainage easement overlaps the 20-foot utility easement. He would prefer 20 feet outside the drainage easement.
- There was discussion and Miller conceded to leave it as shown.
- Rains, County Engineer, stated that drainage would not be a problem and no detention would be required.

#### **5. Other:**

- Electric service will be provided by Verdigris Valley Electric. No representative was present.

Further review after the TAC meeting revealed that the off-site "private drive", discussed above, that serves the adjacent residences to the east is actually a 25-foot wide public right-of-way owned by the County. The right-of-way extends to the southeast corner of the subject tract but the roadway stops about 350 feet short of the corner and terminates in a private driveway. The dedication of 40 feet of right-of-way on the east boundary of the subject tract would make a total 65 feet of public right-of-way.

Ideally, this developer would be required to obtain a 40-foot strip of land from the abutting property to the north and would dedicate that in order to complete the street. In addition, he would be required to complete the street to the southeast corner of the subject tract. However, the County Engineer said in his discussions with the developer, he indicated he desires to build the street to 126<sup>th</sup> Street but has been unsuccessful in purchasing the needed strip.

**Staff recommends approval** of the preliminary plat subject to the following:

#### **Waivers of Subdivision Regulations:**

1. To allow dedication of less than 60 feet of right-of-way for public streets.

#### **Special Conditions:**

1. Construction of the public street, labeled 73<sup>rd</sup> East Avenue, to the southeast corner of the subject tract.
2. Separation of the drainage and utility easements along both sides of the internal streets.

**Standard Conditions:**

1. Utility easements shall meet the approval of the Technical Advisory Committee. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
3. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. All curve data, including corner radii, shall be shown on final plat as applicable.
6. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
7. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
8. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
9. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to preliminary approval of plat.)
10. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
11. The method of water supply and plans therefor shall be approved by the Department of Environmental Quality.
12. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
13. The key or location map shall be complete.

14. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
15. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
16. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
17. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
18. All other Subdivision Regulations shall be met prior to release of final plat.

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

**Applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Preliminary Plat for Tail Wheel Addition, subject to conditions as recommended by staff.

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**PLAT WAIVER:**

**Z-6673 (684)/(Z-6673-SP-1 Corridor Site Plan)**

(PD-18) (CD-8)

6336 South 105<sup>th</sup> East Avenue

**TMAPC COMMENTS:**

Mr. Boyle stated that there has been a request for these two items to be continued to March 24, 1999.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he agrees with the request for a continuance.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** the Plat Waiver for Z-6673 and the Corridor Site Plan for Z-6673-SP-1 to March 24, 1999 at 1:30 p.m.

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**PLAT WAIVER: continued**

**Z-6010-SP-4 (2994)**

(PD-14) (CD-5)

Northwest corner of East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Beach stated that the approval of a Corridor Site Plan by the TMAPC on February 24, 1999 triggered the platting requirement. The proposed plan is for a 191,000 SF office building with related parking. The subject tract is part of Lots 2 & 3, Block 1, Amberjack Subdivision.

**Staff Comments and Recommendation:**

Mr. Beach stated that the project will require mainline extension of water and a probable internal fire line with granting of appropriate easements. The property is partially in a floodplain and will require an overland drainage easement. Fees in lieu of detention will be allowed. Changes to the existing platted access locations will also be needed.

A corridor site plan was approved by the TMAPC February 24, 1999. Building permits cannot be issued nor the use commenced "except in accordance with a subdivision plat incorporating the provisions of the site plan". One of the purposes of the plat in the case of the CO District is to record the approved standards of the site plan.

Based on the size of the property, its location relative to its surroundings and the several issues identified in the checklist below that would otherwise require separate instruments, **staff recommends denial** of the plat waiver request.

Any approval of a plat waiver should include a condition that separate restrictive covenants, consistent with the approved Corridor Site Plan, must be recorded.

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

- |  | <b>YES</b> | <b>NO</b>                |
|--|------------|--------------------------|
| 1) Has property previously been platted?                                 | ✓          | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓          | <input type="checkbox"/> |

- 3) Is property adequately described by surrounding platted properties or street R/W?
- 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?
- 5) Will restrictive covenants be filed by separate instrument?
- 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.?    
N/A
- 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.?    
N/A

**Applicant's Comments:**

**Alex Mills**, Wallace Engineering, 201 West 5<sup>th</sup>, Tulsa, Oklahoma 74103, stated that he does not agree with staff's recommendation. He indicated that there had been some discussion prior to today's meeting regarding an alternative plan. The alternative plan would hold platting requirements until certificate of occupancy is requested. The subject

building is on a tight schedule and construction needs to start immediately. He requested that the Planning Commission approve a temporary plat waiver with the condition that the plat be filed prior to the certificate of occupancy.

**TMAPC COMMENTS:**

Mr. Westervelt asked the applicant if the permission to proceed with the subject building be at the applicant's own risk. Mr. Mills stated that it would be at his own risk to a certain extent, but he would like some type of letter stating that all of the requirements have been met and the platting process will be more of a formality. Mr. Westervelt stated that the Planning Commission usually proceeds with "at risk" for this type of situation.

Mr. Boyle asked the applicant how the Planning Commission is supposed to pre-determine a plat when it hasn't been seen.

Mr. Stump stated that the Planning Commission has approved a temporary plat waiver on a few occasions where schedules have required it. The applicant will have to satisfy the platting requirement while under construction and then going on faith that the applicant can satisfy the platting requirement prior to occupancy. There is a Corridor Site Plan already in the approval process with the precise layout of the development. The drainage has been pre-engineered and this is part of a platted subdivision, which also had other parts of the drainage to serve the areas approved. Mr. Stump concluded that other developers have accomplished a great deal of the stormwater drainage and water and sewer.

**Commissioner Dick out at 1:48 p.m.**

Mr. Boyle asked Mr. Stump if he supports the concept of the Planning Commission allowing the applicant to have a building permit. Mr. Stump stated that judging from the size of the project, staff has no concern that the applicant will not plat their property.

Mr. Westervelt stated that he has no problem with approving a temporary plat, but there should be an at-risk letter. Mr. Westervelt asked the applicant if providing an at-risk letter would be a hardship. In response, Mr. Kelshum stated that his company would be the developer and owners of the subject property. Mr. Kelshum indicated that he has worked through the access, stormwater drainage and sewer issues. Mr. Kelshum stated that if the site plan approval that is in process goes forward, that it would provide some assurance that the plat filed later will be agreeable to INCOG. Mr. Westervelt stated that it is the applicant's engineering firm's position, not the Planning Commission, to tell him if he is in compliance with the City of Tulsa's ordinances. Mr. Westervelt explained that the applicant is the developer and the Planning Commission is not ready to take the risk that he will be in compliance with the platting requirements.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford "absent") to **APPROVE** the temporary Plat Waiver for Z-6010-SP-4, subject to a plat being filed of record prior to certificate of occupancy and the applicant proceeds on an at-risk basis.

\*\*\*\*\*

**BOA-18314 (3093)**

(PD-6) (CD-9)

4939 South Yorktown

**Staff Recommendation:**

Mr. Beach stated that the approval of a Special Exception to allow Use Unit 5 (children's day care) triggers the platting requirement. The Board of Adjustment heard the case February 23, 1999 and approved the request. The proposed day care center would be located in an existing building that is part of a multifamily residential and commercial development.

**Staff Comments and Recommendation:**

Based on the intensity of the use, the lack of new construction and the checklist below, **staff recommends approval** of the plat waiver request.

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

- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

***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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements   |                          |                                     |
| a) Water   |                          |                                     |
| i) Is a main line water extension required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 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.? **N/A**
- 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.? **N/A**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford "absent") to **APPROVE** the Plat Waiver for BOA-18314 as recommended by staff.

\*\*\*\*\*

**BOA-18321 (1994)**

(PD-17) (CD-5)

10811 East 41<sup>st</sup> Street South

**Staff Recommendation:**

Mr. Beach stated that approval of a Special Exception to allow Use Unit 5 (church) triggers the platting requirement. The Board of Adjustment heard the case February 23, 1999 and approved the request. The proposed church would be an expansion of a previously approved church. The purpose of the current BOA hearing was to consider the impact of the expansion. The original approval was granted in 1971. The record makes no mention of any previous plat waivers.

**Staff Comments and Recommendation:**

Based on the checklist below, indicating the property has never been platted, the need for additional water service with related easements and also the need for a 17.5' perimeter utility easement, **staff recommends denial** of the plat waiver request.

Any approval should include the following conditions:

- The Water Department must approve construction plans and the construction of the required water lines.
- A water line easement must be filed by separate instrument.
- A 17.5' perimeter utility easement must be filed by separate instrument.
- A current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be prepared in a recordable format and filed at the County Clerk's office.

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

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| 1) Has property previously been platted?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

***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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements   |                                     |                                     |
| a) Water   |                                     |                                     |
| i) Is a main line water extension required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Is an internal system or fire line required?                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Are additional easements required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Sanitary Sewer  |                                     |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Storm Sewer   |                                     |                                     |
| i) Is a P.F.P.I. required?   |                                     | Unknown*                            |
| ii) Is an Overland Drainage Easement required?                                       |                                     | Unknown*                            |
| iii) Is on-site detention required?  |                                     | Unknown*                            |

- |  |                                   |
|--|-----------------------------------|
| iv) Are additional easements required?   | <b>Unknown*</b>                   |
| 7) Floodplain  |                                   |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                          | <b>Unknown*</b>                   |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                                  | <b>Unknown*</b>                   |
| 8) Change of Access  |                                   |
| a) Are revisions to existing access locations necessary?                                       | <input type="checkbox"/> ✓        |
| 9) Is the property in a P.U.D.?  |                                   |
| a) If yes, was plat recorded for the original P.U.D.?  | <input type="checkbox"/> ✓<br>N/A |
| 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.? | <input type="checkbox"/> ✓<br>N/A |

\*There was no representative from the Stormwater Engineering Dept. at the TAC meeting.

**Commissioner Dick in at 1:49 p.m.**

**Staff Comments:**

Mr. Beach stated that when the Water Department Staff reviewed this application he thought that the subject property was an undeveloped tract and the proposal was for a new church. Now the Water Department representative has learned that this is an expansion of an existing church and all the expansion is internal to the existing building. The needs for a water main extension, internal fire lines and easements are no longer necessary. With these changes the staff recommends **APPROVAL** of the Plat Waiver for BOA-18321, subject to a 17.5' perimeter utility easement being filed by separate instrument. A current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be prepared in a recordable format and filed at the County Clerk's office.

Mr. Beach stated that the existing church is located on the south half of the subject property and the north half is currently used for playgrounds, etc.

**Ron Marsh**, 4821 South Victor, stated that he is in agreement with staff's recommendation as presented today. He explained that he is trying to obtain three permits this year and this is the first permit, which connect the two existing buildings. He requested an exception, which will allow the first permit to move forward.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Swiney if the Planning Commission has the authority to direct a permit be issued to an applicant who has not complied with the regulations. In response, Mr. Swiney stated that this is not before the Planning Commission today and cannot be considered.

Mr. Marsh asked if the two conditions have to be addressed before he is issued a permit. In response, Mr. Stump answered affirmatively.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Plat Waiver for BOA-18321, subject to conditions as recommended by staff.

\*\*\*\*\*

**Continued Zoning Public Hearings:**

**Z-6673-SP-1 - Ted Sack**

(PD-18) (CD-8)

6336 South 105<sup>th</sup> East Avenue

**TMAPC COMMENTS:**

Mr. Boyle announced that the applicant has requested a continuance to March 24, 1999.

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

**Applicant's Comments:**

Mr. Sack agreed with the March 24, 1999 continuance.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **CONTINUE** the Corridor Site Plan for Z-6673-SP-1 to March 24, 1999 at 1:30 p.m.

\*\*\*\*\*

**PUD-575-1 - Neal Harton**

(PD-18) (CD-8)

North of northeast corner East 81<sup>st</sup> Street South and South Mingo Road  
(Minor Amendment)

**Staff Recommendation:**

Mr. Dunlap stated that the applicant is requesting Minor Amendment approval to increase the maximum allowed storage building height from 15 feet to 35 feet and the maximum allowed building floor area from 50,000 square feet to 52,000 square feet. The applicant's request for modification of the approved development standards is intended to allow the construction of a 35-foot-high two-story climate-controlled storage building with 23,100 square foot of floor area. The applicant is also requesting approval to permit an architectural element on the manager's residence and office to exceed the maximum two-story height limitation. Building elevations submitted with the application indicate a tower height of 35 feet.

The Conceptual Site Plan and elevations submitted with the Minor Amendment request indicate the 35-foot-tall storage structure will be placed west of the traditional 15-foot-tall storage buildings (containing 26,144 of floor area) and east of the 35-foot-high managers' residence and offices (containing 2,756 of floor area). The manager's residence/offices will be set back 85 feet from the centerline of South Mingo Road while the two-story climate controlled storage building will be set back 140 feet from the centerline of South Mingo.

Staff has reviewed the request and finds the total building coverage proposed is within the limits required by the underlying CO district. Further, the requested increase in floor area is less than the 15% maximum increase that can be approved by Minor Amendment. Staff notes the required corridor collector is not shown for Area B. The original approval allowed Area B to derive its principal access from South Mingo subject to a Board of Adjustment variance.

Staff's primary concern with the request is the building bulk and height, as it would affect potential residential uses to the north. Residential uses to the south in Development Area A are buffered with the 100-Year Floodplain and a ground height greater than Area B. Staff, however, can support the additional height of the building if exterior surfaces were textured or coated. The north-facing windows must have a six-foot sill height or obscured windows and south-facing second story windows shall be allowed. No signage was allowed on any building wall of the storage structure.

Staff, therefore, recommends **APPROVAL** of PUD-575-1 allowing an increase in building height to 35 feet for manager/office and storage structures as depicted on the conceptual site plan and an overall increase of permitted floor area to 52,000 square feet subject to the following conditions:

All development standards as originally approved remain unchanged except as herein modified:

1. No building permit will be issued until a Detail Site Plan is approved by TMAPC following the filing and approval of a Subdivision Plat reflecting all approved development standards and requirements of the TAC.
2. Development Area B may derive its principal access from Mingo Road subject to the granting of a Board of Adjustment variance from the internal collector street requirement.
3. The climate-controlled 35-foot-tall storage building will be set back a minimum 140 feet from the centerline of South Mingo Road.
4. The second floor windows facing the north of the climate-controlled 35-foot-tall storage building shall have a minimum sill height of six feet or shall be constructed of obscure glass.

5. No wall signage will be allowed on any building walls of the climate-controlled 35-foot-tall storage building, except a wall sign may be allowed on the west-facing wall, which size and style shall be approved by TMAPC at Detail Site Plan approval.
6. Wall signs will only be allowed on the west-facing building wall of the manager's residence/office. Wall signs may be allowed on the north-, west- and south-facing walls of an architectural tower as depicted in the concept elevations if the signage is limited to .5 SF of display surface area for each lineal foot of tower building wall and no other wall signage is allowed on the residence/offices. One monument sign is permitted with a maximum height of eight feet with a maximum display surface area of 64 square feet per the original approval.
7. The exterior surfaces of the first floor of the climate-controlled 35-foot-tall storage building shall be of precast textured concrete with details such as color approved by TMAPC at the time of Detail Site Plan. The materials and color of the exterior surface of the second floor shall be approved by TMAPC at the time of Detail Site Plan review.
8. No warehouse uses will be allowed in the climate-controlled 35-foot-tall storage building. Storage will be in individual units. A floor plan of all storage units will be submitted as part of the Detail Site Plan.

**NOTE:** Minor Amendment approval does not constitute Detail Site, Landscape or Sign Plan approval.

**Staff Comments:**

Mr. Dunlap stated that the applicant has a new site plan and elevation to submit today. Staff has reviewed the new site plan and elevations. Staff supports the request for windows on the south and the windows on the north as they are indicated, with a condition that the sill height be six feet or obscured glass be used.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the subject property is located near 76<sup>th</sup> and Mingo. He indicated that on the north there is a vacant piece of property zoned CO and to the south there is a wide area, which is floodplain and will be platted as part of the subject property for reserve area. There will be no development to the south with the floodplain and currently there is no development to the north. He indicated that he had no problem with the staff's recommendation on the windows; however, he would like to have some flexibility and not be held to the plan before the Planning Commission today, but by the guidelines it sets forth. He stated that he will be submitting a detail site plan in the near future for approval.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Sack if the plan submitted today is a detail site plan. In response, Mr. Sack stated that the plan submitted today is not a detail site plan and he is not advertised for detail site plan review today.

Mr. Sack stated that the staff recommendation is not allowing any signs on the controlled-climate building and he is asking for a small sign on the west side of the subject building. He explained that the west side faces Mingo and he would use the 1/2 foot per lineal building for the display surface.

Mr. Boyle asked Mr. Sack if he wanted the Planning Commission to apply the same rules with regard to signage for the climate-controlled building, as were applied to the office building. In response, Mr. Sack answered affirmatively.

Mr. Sack stated that item seven of the building standards recommends pre-cast textured concrete for the total building. He requested that the pre-cast concrete be on the first floor and the second floor be a pre-finished metal panel. He indicated that the first floor would have painted tilt-up concrete.

Mr. Sack concluded that with the above-mentioned changes he would agree with the staff's recommendation.

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

Mr. Stump stated that if the site plan is anything close to what they plan to build, it appears that the office would obstruct any view of the sign on the second building from the street. If one can't see a sign from the public street it is not considered a sign. Mr. Sack stated that he feels that there will be some visibility of the sign when one enters the facility and along Mingo.

Mr. Boyle asked staff how they feel about the applicant's request to change item number seven. In response, Mr. Stump stated that staff does not want the most visible portion of the building being a metal building. The south and north faces of the building are going to be visible from Mingo. The lower portion of the building will be screened, but the upper portion will not and that is the portion that will be painted metal.

**Applicant's Comments:**

**Vern Cease**, no address given, stated that the subject building will not be a pre-engineered metal building. He commented that the detail and the color will set it apart from what it is typically thought of as a metal building structures. Mr. Cease concluded that the sign is needed because it is a climate-controlled building and it is needed for marketing.

**TMAPC COMMENTS:**

Mr. Carnes stated that the submitted plans are not the final design and the Planning Commission should make these decisions when the final design is submitted.

Mr. Boyle asked staff if the actual materials used for the subject building will be decided during the Detail Site Plan review. Mr. Stump agreed with Mr. Boyle.

Mr. Westervelt asked staff if the language in the PUD would give the Planning Commission latitude to make a change if the applicant's final proposal for metal is not appropriate. Mr. Stump stated that the minutes could reflect the change.

Mr. Carnes suggested that the signage be addressed during the final site plan review.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-575-1, subject to conditions as recommended by staff and subject to the signage, exterior materials and color being determined by TMAPC at the Detail Site Plan review as modified by the TMAPC. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

\* \* \* \* \*

**Z-6674 - Roy D. Johnsen**

East side of Delaware Avenue and Riverside Parkway at the Jenks Bridge.

**AG/OM to CS, PK & OM**  
(PD-18) (CD-2)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use and Medium Intensity - Office.

According to the Zoning Matrix the requested CS zoning **is not** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 2.58 acres in size and is located on the east side of the relocated South Delaware Avenue and the new Riverside Parkway, south of East 95<sup>th</sup> Street South. The property is flat, non-wooded, is vacant and is zoned AG and OM.

**Surrounding Area Analysis:** The subject tract is abutted on the east by vacant property, zoned CS, RM-1, and PUD-306-B; to the northwest across the relocated Delaware Avenue, by vacant property, zoned CS; and to the southwest across Riverside Parkway, by vacant property, zoned OM.

**Zoning and BOA Historical Summary:** PUD-306-B, dated September 7, 1988, is located on the property immediately east of the subject tract, was approved for 133,000 square feet of office floor area and 217,000 square feet of commercial floor area.

This application is to change zoning on the subject 2.58-acre triangular tract, which was created by the relocation of the Creek Turnpike and Riverside Parkway/South Delaware Avenue right-of-way.

**Conclusion:** Due to the existing zoning and changes in the alignment of South Delaware Avenue and the new Riverside Drive, staff can support the requested rezoning on that part of the tract north of the existing OM zoning; i.e., on the AG portion of the tract.

If the Planning Commission finds PUD-306-G to be satisfactory, staff recommends **APPROVAL** of CS zoning on the northern part of the tract presently zoned AG and **DENIAL** of the requested CS zoning on the southern portion of the tract that is presently zoned OM. Staff should be directed to prepare appropriate amendments to the District 18 Plan.

**AND**

**PUD-306-G - Roy D. Johnsen**

(PD-18) (CD-2)

Northeast and southeast corner East 95<sup>th</sup> Street and South Delaware  
(Major Amendment)

**Staff Recommendation:**

The Major Amendment to PUD-306 proposes the addition of a 2.58-acre tract into the PUD, which would be combined with the former Development Area E of PUD 306-B. Development of the resulting 25.71 acres would be as a retail commercial center. Concurrently an application has been filed (Z-6674) to rezone the 2.58-acre tract from AG to CS. The Conceptual Site Plan (Exhibit "A") depicts two development areas, 6.99 acres north of 95<sup>th</sup> Street (Area A) and 18.72 acres south of 95<sup>th</sup> Street (Area B), and an aggregate floor area of 240,000 square feet.

The 25.71-acre tract is located at the northeast and southeast corners of the intersection of South Delaware and East 95<sup>th</sup> Street. In 1983 (prior to the extension of the Riverside Parkway and realignment of Delaware), approximately 23 acres of the site fronted the then-existing north/south alignment of Delaware and was included within PUD-306 as Development Area E. The 23-acre tract was zoned RM-1 and RS-3, and pursuant to the PUD, Development Area E was approved for multifamily use (390 units) and office use (175,000 square feet). Thereafter in 1988, pursuant to PUD-306-B and Z-6178, 10 acres were rezoned CS and Development Area E was approved for retail commercial use (217,000 square feet) and office use (133,000 square feet). Subsequently, Riverside Parkway was extended, which included the realignment of Delaware. The street improvements resulted in an approximately 2.58 acre tract (triangular in shape) of surplus right-of-way located between the west boundary of

Development Area E and the east boundary of the realigned Delaware Avenue. The owner of Development Area E has now acquired the triangular tract of surplus right-of-way.

There is AG, OM and CS zoned property to the west of the subject tract. There is undeveloped AG-zoned property to the north. The easterly boundary of the site is adjoined by the Crown Chase apartment complex (north of 95<sup>th</sup> Street) and a patio home subdivision presently under development (south of 95<sup>th</sup> Street). The channeled Vensel Creek forms the south boundary of the site.

If Z-6674 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-306-G as modified by staff to be: (1) consistent with the Comprehensive Plan if modified to reflect existing and proposed zoning and street patterns; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-306-G subject to the following conditions:

1. The applicant's Outline Development Plan and Text, as amended in revisions 1, 2 and 3, be made a condition of approval, unless modified herein.
2. **Development Standards:**

#### DEVELOPMENT AREA A

Net Land Area: 304,484.4 SF 6.99 acres

Permitted Uses: Use Units 11, 12, 13 and 14 uses except no blood banks, plasma center, day labor centers or self service laundromats are permitted. The following uses may be permitted by approval of a minor amendment to the PUD standards: mini-storage,

wireless  
communication  
tower, hotel, motel  
and health club/spa.

Maximum Building Floor Area:

Commercial	65,000 SF
Office	26,000 SF

Maximum Building Height:

Within 100 feet of east boundary	One story up to 34 FT
Other Buildings	Two stories <u>up to 34 feet</u>

Minimum Lot Frontage on East 95<sup>th</sup> Street South  
within 250 feet of Delaware Avenue right-of-way or  
South Delaware Avenue:

150 FT

Minimum Lot Frontage on East 95<sup>th</sup> Street South  
more than 250 feet from Delaware Avenue right-of-way:

500 FT

Minimum Building Setbacks:

From Delaware street right-of-way	50 FT
From 95 <sup>th</sup> Street right-of-way	25 FT
From north boundary	20 FT
From east boundary	75 FT

Minimum Setback of Access Points onto 95<sup>th</sup> Street South from  
East boundary of Development Area (measured from the  
southeast corner of Development Area A along the Development  
Area's south boundary to the nearest point of an access drive where  
it crosses the south boundary of the Development Area)

250 FT

Maximum Access Points onto East 95<sup>th</sup> Street:

2\*

Maximum Access Points onto South Delaware Avenue:

1\*

Mutual Access:

Each lot within the development area shall have access to all other lots in  
the development area through the use of mutual access easements.

Minimum Landscaped Area Per Lot:

10% of net  
lot area

Signs:

Wall signs shall comply with Section 1103.B.2 of the Zoning Code but there shall be no wall signs allowed on building walls within 200 feet of the east boundary of the Development Area. One ground sign shall be permitted, which shall be located on the Delaware Avenue frontage. It shall not exceed 25 feet in height nor 225 SF of display surface area.

**DEVELOPMENT AREA B**

Net Land Area: 815,443.2 SF 18.72 acres

Permitted Uses: Use Units 11, 12, 13 and 14 uses except no blood banks, plasma center, day labor centers or self service laundromats are permitted. The following uses may be permitted by approval of a minor amendment to the PUD standards: mini-storage, wireless communication tower, hotel, motel and health club/spa.

Maximum Building Floor Area:  
Commercial 156,500 SF  
Office 34,000 SF

Maximum Building Height:  
Within 125 feet of east boundary One story up to 20 feet high

Other areas of the PUD Two stories up to 34 feet.

Minimum Lot Frontage on East 95<sup>th</sup> Street South within 250 feet of Delaware Avenue right-of-way, on South Delaware Avenue or South Riverside Parkway: 150 FT

Minimum Lot Frontage on East 95<sup>th</sup> Street South more than 250 feet from Delaware Avenue right-of-way 500 FT

Minimum Building Setbacks:

From South Delaware Avenue street right-of-way	50 FT
From 95 <sup>th</sup> Street right-of-way	25** FT
From Riverside Drive Parkway right-of-way	50 FT
From south boundary	20 FT
From east boundary	75 FT

Minimum Setback of Access Points onto 95<sup>th</sup> Street South From abutting residential district (measured from the northeast corner of Development Area B along the Development Area's north boundary to the nearest point of an access drive where it crosses the north boundary of the Development Area.) 100 FT

Minimum Off-Street Parking or Access Drive Setback From East Boundary: 60 FT

Maximum Access Points onto South Riverside Parkway: 1\*

Maximum Access Points onto South Delaware Avenue: 1\*

Maximum Access Points onto East 95<sup>th</sup> Street South: 3\*

Bulk Trash Container Storage Areas, Loading Docks or Screened Open Air Storage Area:

Setbacks From East Boundary:	110 FT
Setback from any street right-of-way:	50 FT

Mutual Access:

Each lot within the development area shall have access to all other lots in the development area through the use of mutual access easements.

Minimum Landscaped Area Per Lot: 10% of net lot area

Signs:

Wall Signs shall comply with Section 1103.B.2 of the Zoning Code but there shall be no wall signs allowed on building walls within 350 feet of the east boundary of the Development Area. Two ground signs are permitted along the Delaware Avenue frontage. Neither of these signs shall exceed 200 SF of display surface area. Two ground signs are permitted along the Riverside Drive frontage, each of which shall not exceed 250 SF of display surface. No ground sign shall exceed 25 feet in height.

\*Access points shall be approved by Traffic Engineering.

\*\*TMAPC may allow small portions such as corners of a building to be set back not less than 15 feet from the 95<sup>th</sup> Street right-of-way as part of the Detail Site Plan approval.

**Note:** underlined items were added by TMAPC.

3. A landscaped area of not less than sixty (60) feet in width containing screening berms or masonry wall or a combination of landscaping, walls and/or berms acceptable to TMAPC shall be located along the east boundary of Development Area B to provide a buffer for the residence to the east. The TMAPC shall approve the design of the wall, berm and/or landscaping. A landscaped area of not less than ten feet in width and a six-foot-high screening wall or fence shall be located along the east and north boundaries of Development Area A. Landscaping throughout the project shall meet or exceed the requirements of the landscape chapter of the Tulsa Zoning Code. If the rear or side of a building within 100 feet of 95<sup>th</sup> Street is oriented toward 95<sup>th</sup> Street, the TMAPC may require landscaping, screening, building façade features or similar measures to mitigate the effect of such building's orientation on the streetscape of 95<sup>th</sup> Street South.
4. Loading docks or areas and trucks parked in those docks or areas within the east 300 feet of Development Area B shall be screened from view by a person standing at the east boundary of Development Area B or standing in the 95<sup>th</sup> Street right-of-way, by erection of a masonry wall or other method of screening approved by TMAPC at detail site plan approval.
5. If a Development Area is subdivided, uses and intensities of uses, access and development standards shall be established by Minor Amendment or subdivision plat or lot-split approved by TMAPC.
6. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit. Screening and landscaping required in the east 60 feet of Development Area B shall be established prior to occupancy of any building or establishment of any use within Development Area B.

8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. Outdoor display of merchandise and tent sales are prohibited within 300 feet of the east boundary of the PUD and within 100 feet of the right-of-way of 95<sup>th</sup> Street South.
11. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 12 feet in height within 150 feet of the east boundary of the PUD and all such lights shall be set back at least 55 feet from the east boundary of Development Area B and at least 50 feet from the east boundary of Development Area A.
12. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
13. No building permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks nor truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or containers outside buildings shall not be used for storage or be stored on site.

**Staff Comments:**

Mr. Stump stated that the applicant made a significant change to his zoning request this morning. He explained that the applicants' change also changes the staff's recommendation. The very north tip of the subject property under application has been

reduced for the request of CS zoning to 9,000 SF, which would allow 4500 SF of commercial and that will relate to the other request to expand PUD-306-B and make it PUD-306-G with new standards. Staff supports the amended CS request and recommends that the remainder of the AG-zoned area be zoned PK and that the small portion to the south zoned OM remain OM.

Mr. Boyle asked if the zoning request would be to change just the triangle-shaped property to CS and everything else to PK except for the southern portion that is currently zoned OM. In response, Mr. Stump answered affirmatively. Mr. Boyle stated that if the subject tract was approved, it would have CS at the north tip, PK in the middle and OM on the south side.

The current standards for PUD-306-B, which does not include anything on the west side of Delaware's old right-of-way, is for 217,000 SF of CS uses and 133,000 SF of office use. The new proposal would add 4500 SF of additional CS uses on the new area on the west side of Delaware and retain the 217,000 SF of CS uses on the east side, reducing the office use on the east side to 60,000 SF.

Mr. Boyle asked if the staff supports the new floor area square footages. In response, Mr. Stump answered affirmatively.

Mr. Stump stated that after several meetings with the neighborhood association and the developers, staff has made the above recommendation.

Mr. Stump reviewed the staff recommendation for PUD-306-G with the Planning Commission, highlighting setbacks, building heights, etc.

Mr. Stump stated that staff has beefed up the phraseology prohibiting outside storage of any recyclable materials, trash, truck-trailers used as storage because staff feels that the back of the subject area will be a sensitive area and staff wants to make sure that it is not used as a trash area.

Mr. Westervelt stated that this is a complicated PUD and the Planning Commission will be seeing more of these due to infill projects. Mr. Westervelt asked Mr. Stump how much additional staff time this PUD required compared to the usual staff time. In response, Mr. Stump stated that this PUD required five to ten times more staff time than usual. Mr. Stump stated that with all of the iterations and the revised versions it has taken more staff time than usual.

Mr. Westervelt stated that as Liaison of this district he did attend an evening meeting along with Jay Stump and Jeannie McDaniel. He complimented the applicant and the applicant's attorney, and the representatives from the Homeowners Association for working together and the time they all put toward this project.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing the applicant, confirmed the amendment of the zoning application in regard to the request for additional CS zoning. As initially filed he sought approximately 2 1/2 acres of CS in the west triangle. He explained that he is amending his request to seek 9,000 SF of CS zoning, which would permit 4500 SF of retail area located in the west triangle, which when added with the 217,000 SF initially approved for the subject PUD-306-B, brings the total to 221,500 SF.

Mr. Johnsen stated that in regard to Mr. Stump's remarks, he isn't sure that Mr. Stump was able to fully express to the Planning Commission the effort that has been given by the staff in developing the staff recommendation. Mr. Stump met with the developer, representatives from the neighborhood, the attorneys and engineer and has tried to be creative in establishing standards that are responsive to the neighborhood's concerns.

Mr. Johnsen stated that he accepts the staff recommendation as written and it reflects a lot of effort and is responsive to the neighborhood concerns.

Mr. Johnsen recited the past revisions and approvals for PUD-306. The first approval for PUD-306 was in 1983.

Mr. Johnsen indicated that he met with the neighborhood representatives and after the meeting he addressed their concerns with a revised development standard. He stated that in the revised development standards he did address and committed in writing to an additional setback on the proposed building to 110 feet and a 50-foot landscaped area along the east boundary where it abuts College Park II (south of 95<sup>th</sup> Street). There is a path that leads to the City's trail system, which parallels Vensel Creek. He explained that the path is on private property and the easement was never established. The path will be maintained as a pedestrian way and opened to the public from 95<sup>th</sup> Street to the City's trail system.

Mr. Johnsen stated that there was discussion regarding the proposed traffic signal at the intersection of 95<sup>th</sup> and Delaware. He indicated that he submitted in writing that if the City permitted, a traffic signal would be installed prior to occupancy of any floor area over the first one hundred thousand square feet. He stated that he also agreed to the construction of a sidewalk along the south right-of-way of 95<sup>th</sup> and along the north boundary of Development Area B (south side of 95<sup>th</sup> Street).

Mr. Johnsen explained that after a second meeting with the neighborhood representatives there were more revisions. The uses were restricted and a corridor was established along 95<sup>th</sup> Street beginning approximately 250 feet east of Delaware and extending to the subject east boundary. The corridor restricts signage and prohibits out-parcels and outdoor tent sales or uses of that kind. These conditions were submitted in writing and were incorporated into the staff recommendation. Continuing discussion and meetings with staff resulted in a third revision of the development standards, which were submitted at today's meeting.

Mr. Johnsen stated that the neighborhood representatives requested that the major building be moved farther to the west if possible. He indicated that he did move the building, but there are easements that impacted the building to the south and there are certain parking requirements in front of the building. The neighborhood suggested that the building be moved to the north or closer to 95<sup>th</sup> Street, which would permit the developer to move the major building farther west. After studying the suggestion of the neighborhood, the building has been moved, but it did leave some of the building closer to 95<sup>th</sup>, primarily corners. Mr. Johnsen stated that the staff recommendation is consistent with the revised plan submitted today.

Mr. Johnsen stated that since it was possible to move the major building, there is more room for landscaping. Staff imposed a requirement of 60 feet for landscaping on the east property where it abuts College Park II. He indicated that he agrees with the requirement for 60 feet of landscaping.

Mr. Johnsen stated that the residential collector street was built at 72 feet of right-of-way and 48 feet of surfacing, which exceeds the normal width and right-of-way of a residential collector and commercial areas. He concluded that the residential collector provides substantial traffic-carrying capacity. He indicated that Mr. Eshelman stated that the collector could be striped as a four-lane street if necessary. Mr. Johnsen commented that he does not expect the street to be striped for four lanes. The neighborhood was concerned with traffic and the movement of traffic at Delaware. He stated that he discussed this issue with Mr. Eshelman and a median was proposed to begin at the east boundary and extending west past the service drive, which would serve two purposes. The service drive exit will be forced to go west or left away from the neighborhood and this will restrict the use of the access but is still an efficient access for the purpose intended. The median will probably slow traffic down as well as restrict right turns toward the residential area.

Mr. Johnsen that a traffic signal was proposed to be installed after the first 100,000 feet of occupancy; however, that has been revised to a traffic signal being installed prior to occupancy. The City has the final call regarding the traffic signal and there will be a traffic study before a decision is made. He informed the Planning Commission that Mr. Eshelman expressed the opinion that there will be a warrant for a traffic signal, but a study needs to be done first.

Mr. Johnsen concluded that he is pleased to state that he is in agreement with the staff's recommendation. He acknowledged Mr. Wilcox's ten-page submittal and stated that he met with Ms. Nanny, President of the Homeowner's Association. He explained that Ms. Nanny represents College Park II, which abuts the subject property. It appears that the neighborhood and the developer are very close in agreement.

**Interested Parties:**

**Kathy Nanny**, 9505 South College Court, Tulsa, Oklahoma 74137, President of the Homeowners Association for College Park II, stated she will be speaking for the interested parties from College Park II.

Ms. Nanny stated that the homes are located on a cul-de-sac and have narrower streets than typical residential areas in the City of Tulsa. She commented that the cul-de-sac is heavily bermed and landscaped. Ms. Nanny described the surrounding residential areas.

Ms. Nanny indicated that College Park II, at this point, agrees with the reduced CS square footage request (221,500 SF). She stated that College Park II accepts the restricted uses as outlined by staff for Development Areas A and B. College Park II requests that the homeowner's association be properly notified if there should be any changes to the uses or intensities of uses within PUD-306-G.

**Staff Comments:**

Mr. Stump informed Ms. Nanny that any addition of a use would have to go through a major amendment, which would require notification and a sign posted advertising the change in uses. If a minor amendment is filed, a ten-day notice is required for the property owners within 300 feet and the registered homeowners association.

**Interested Parties: continued**

Ms. Nanny stated that College Park II requests that the Planning Commission restrict all Riverside tenants from 24-hour operations. She stated that she would anticipate a nice restaurant to open until midnight. She explained that she is trying to avoid businesses being opened and having shipments at 3:00 a.m. The noise from receiving shipments would disturb the residential area.

Ms. Nanny requested that there be a height limit of 34 feet for all two-story structures in both Development Areas A and B.

Mr. Stump stated that the height of buildings near the residential area was limited to one story or 20 feet in Area B and one story or 34 feet in Area A. Beyond these areas it would not be an issue if there was a high-pitched roof on a two-story office building that might exceed 34 feet. Within 125 feet of the east boundary of Area B would be limited to one story or 20 feet and beyond that it would be restricted to two story with no particular height limit. Ms. Nanny expressed concerns with movie theaters moving in and requiring higher roofs.

Ms. Nanny stated that the developer has listened to the neighborhood concerns regarding traffic. She commented that she is pleased that the developer has agreed to construct a landscaped median on 95<sup>th</sup> Street. The design of the service entry will prohibit the trucks from using the residential collector street. Ms. Nanny suggested a protected left-turn lane into the proposed development on the Delaware side. She further suggested that Delaware be used as the main entrance.

Ms. Nanny requested that the homeowners association be notified when reviews of the following are scheduled for the TMAPC: detail site plans, building elevations, building exterior materials and color schemes, as well as detail landscaping plans.

Mr. Stump stated that since TMAPC has Ms. Nanny's name and address and she is representing a registered homeowners association, she will receive notice of the detail site plan, which would include review of exteriors. He explained that detail landscape plan reviews are a staff function and there would need to be a specific request for the landscape plan return to the Planning Commission in order to have notice.

Ms. Nanny thanked the developer and staff for working with the neighborhood association regarding this project.

Mr. Boyle recognized and congratulated the neighborhood association and Ms. Nanny for their cooperation with the developer and staff with regard to working out the concerns and issues.

**TMAPC COMMENTS:**

Mr. Westervelt asked Ms. Nanny if she had an opinion with regard to the traffic light at Delaware in combination with the traffic-calming device that Mr. Johnsen has offered. In response, Ms. Nanny stated that the neighborhood is divided on this issue. Ms. Nanny explained that half of the neighborhood feel that it would encourage additional traffic down the residential street and the other half leaving at 7:00 a.m. for work feel that it would be a convenience when trying to get out on Delaware in the morning traffic. She suggested that other members of the neighborhood should address this issue. In conclusion, Ms. Nanny stated that the neighborhood members trust the traffic engineers and staff to make the right recommendation for this issue.

**Interested Parties:**

**George Carter**, 9518 South College Avenue, Tulsa, Oklahoma 74137, stated that he would like a better clarification on the height of the two-story building.

**Applicant's Rebuttal:**

Roy Johnsen stated that in regard with the 24-hour operation, he is against imposing the restriction. He explained that if there is a grocery store, it is likely to be open late hours and have deliveries. Predominately retail uses are going to close in the evening, but there may be some that do not. He commented that in the past the Planning Commission has not imposed a restriction on hours of operation.

Mr. Johnsen stated that as to the height for the two-story building, the 34-foot maximum height is acceptable.

Mr. Johnsen stated that Delaware currently has five lanes with a suicide lane in the middle. He is not sure how a protected left-hand turn lane would work. He commented that this issue would be more for the City Traffic Engineer and not something that the developer or staff would control.

**TMAPC COMMENTS:**

Mr. Boyle stated that the Planning Commission has imposed limits on hours of operation before, especially if it is close to a residential neighborhood. Mr. Boyle asked Mr. Johnsen if there is something different about this development that would warrant restrictions on hours of operations. Mr. Boyle gave several references of developments that the Planning Commission has imposed hours of operation. Mr. Boyle stated that certain buildings could have the hours of operation restriction imposed depending on the location. He suggested that possibly imposing the restriction on buildings within 150 feet of the residential zoning.

Mr. Johnsen stated that he couldn't accept the limitation on the hours of operation. He explained that there is a possible use for a grocery store on the subject building and it is unusual for a grocery store to be near a residential area.

Mr. Boyle suggested hours of operation for buildings within 150 feet of the residential zoning to have hours 6:00 a.m. to 12:00 a.m. In response, Mr. Johnsen stated that he is not authorized to accept a restriction on hours of operation. Mr. Johnsen commented that he prefers the hours offered, but he would like an exception for grocery stores.

Mr. Midget stated he is confused if the neighborhood is against a 24-hour operation or late deliveries. He commented that he could understand a grocery store being in the subject project, but he understands the residents not wanting deliveries at 3:00 a.m. He concluded that there needs to be a reasonable limit on hours of late deliveries.

Mr. Johnsen stated that the critical area is Development Area B if the east 150 feet was limited to the hours of operation. He stated that he is concerned about the limitations on hours for deliveries because grocery stores stock at night. He indicated that during the holidays deliveries could be very late at night. Mr. Johnsen stated that grocery stores in neighborhoods are usually 24-hour stores and this is not uncommon. He commented that most retail stores will close in the evening hours. He stated that his client is uncomfortable with voluntarily accepting a limitation on hours of operation.

Ms. Pace referred to Mr. Wilcox's letter and asked Mr. Johnsen how many entrances will be needed off of 95<sup>th</sup> Street (residential collector street). In response, Mr. Johnsen stated that the final submittal was not available when Mr. Wilcox drafted a letter to the Planning Commission. Mr. Johnsen informed the Planning Commission that the access points have been studied and revised through several processes. Mr. Johnsen stated that the staff recommendation includes a number of accesses that should be allowed, plus a requirement that the Traffic Engineer approve the precise locations of accesses and the circulation of traffic in the inner parts of the development. Mr. Johnsen stated that the east boundary access was redesigned substantially, including the median in front, and the changes respond to Mr. Wilcox's concerns regarding access points. Mr. Johnsen indicated that a few of the neighbors would prefer that there be no access to 95<sup>th</sup> Street. Mr. Stump stated that when 95<sup>th</sup> Street is developed commercially on both sides it will be debatable if 95<sup>th</sup> Street is still considered a residential collector or becomes a corridor collector. Mr. Stump stated that 95<sup>th</sup> Street was built to commercial

collector street standards. Mr. Stump commented that one needs to be sensitive regarding entrances near residential areas and this developer has tried to mitigate negative impact to the residences. Mr. Stump stated that to not allow entrances from a shopping center onto a four-lane street, which is what 95<sup>th</sup> Street is, is not a good utilization of the existing street system.

In response to Mr. Harmon, Mr. Johnsen explained that the deliveries to the building will be at an enclosed dock. He described the loading dock as being screened with a masonry wall with a dock-seal. The trailer will back up to the dock and the deliveries will not be seen from outside. He indicated that all loading or unloading noise will be contained inside the building through the dock-seal.

Ms. Pace recognized Mr. Joe Nanny.

**Interested Parties:**

**Mr. Joe Nanny**, 9505 South College Court, Tulsa, Oklahoma 74137, stated that Development Area A is where they are planning to have a grocery store and the neighborhood has no concerns with that proposal. He explained that their concern is that one will be able to come in to load and unload all hours of the night within 110 feet of the residential area. He commented that he recently completed 42 years in the retail business and where there were hours of operation restrictions, a time was arranged for deliveries, which would be during the allowed time. He stated that the neighbors are asking for very little to keep the noise down after 12:00 a.m.

**TMAPC COMMENTS:**

Mr. Carnes stated that he does not feel that the Planning Commission can limit the developer's customers. He commented that night loading being restricted within 110 feet of the residences is fair. Mr. Boyle stated that if the hours of operation limitations were made in only Area B and to only any building within Area B that is within a certain number of feet of the residential district, it would be a reasonable accommodation.

Mr. Westervelt indicated that he discussed the dock-seal with Mr. Johnsen and possibly the TMAPC could prohibit any loading after midnight outside of the sealed dock.

Mr. Horner complimented Ms. Nanny and Mr. Johnsen for their concise and complete presentation. He stated that the presentations were very professionally done. Mr. Boyle recognized Mr. Westervelt's time and effort working with the neighborhood and the developers on the subject project.

Mr. Johnsen requested that the restriction imposed for the hours of unloading outside in Area B be clarified by a specific distance. He suggested the restriction be within 200 feet of the residences.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the CS zoning on the northern 0.2066 acres of the tract PK on the remainder of the tract presently zoned AG and **DENIAL** of the requested CS zoning on the southern portion of the tract that is presently zoned OM and **APPROVAL** of the PUD-306-G as amended at the meeting by the applicant, including the initial submittal, first revision dated February 16, 1999, second revision dated February 22, 1999 and the third revision dated March 3, 1999 and otherwise as recommended by staff, subject to the two-story buildings within the PUD having a maximum of 34-foot height limitation, prohibiting loading or unloading outside of the sealed-dock and wall unit, between the hours of 12:00 a.m. (midnight) and 6:00 a.m. if within 200 feet of the east boundary of Area B. Including the following conditions: Pedestrian access shall be provided along the east boundary of Area B extending from 95<sup>th</sup> Street to the public trail system existing in Vensel Creek. A sidewalk shall be constructed along the length of the northerly boundary of Area B within the 95<sup>th</sup> Street right-of-way. Vehicular access to 95<sup>th</sup> Street shall be limited to the approximate locations depicted on Exhibit A-2 "Revised Conceptual Site Plan" dated March 2, 1999. The easternmost access to 95<sup>th</sup> Street is intended as a service entrance and exit and shall be designed to encourage a left turn exit. If permitted by the City of Tulsa, a landscaped median shall be installed in the 95<sup>th</sup> Street right-of-way in accordance with Exhibit A-2 "revised Conceptual Site Plan", dated March 1, 1999. If permitted by the City of Tulsa, a traffic signal shall be installed at the intersection of 95<sup>th</sup> Street and Delaware Avenue prior to occupancy. (Language deleted by TMAPC is shown as strikeout, language added or substituted by TMAPC is underlined.)

**Legal Description for Z-6674:**

**AG to CS:**

A tract of land that is part of government Lot 4, Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to wit: Starting at the NE/c of said government Lot 4; thence S01°06'03"E along the easterly line of government Lot 4 for 513.98' to the POB of said tract of land, said point being on the southeasterly right-of-way line of South Delaware Avenue; thence continuing S01°06'03"E along said easterly line for 194.40'; thence S88°53'57"W for 100.63'; to a point on the southeasterly right-of-way line of South Delaware Avenue; thence N31°52'04"E for 0.00' to a point of curve; thence northeasterly along said right-of-way line on a curve to the left with a central angle of 11°11'55" and a radius of 1121.74' for 219.25' to the POB of said tract of land

**AG to PK:**

A tract of land that is part of Government Lot 4, Section 20, T-18-N, R-13-E of the IBM, and a part of "Riverwood Park", an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to wit: Starting at the NE/c of government Lot 4, Sec. 20; thence S01°06'03"E along the easterly line of government Lot 4, Sec. 20, for 708.38' to the POB of said tract of land; thence continuing S01°06'03"E along said easterly line for 413.55'; thence S88°39'31"W

for 56.00'; thence N01°34'55"W for 125.00'; thence S88°39'31"W for 182.95'; thence S01°06'03"E for 51.84'; to a point on the easterly line of said "Riverwood Park", said point being 45.38' south of the most northerly northeast corner of "Riverwood Park"; thence S88°34'50"W for 35.48' to a point on the easterly right-of-way line of Riverside Parkway; thence N31°09'20"W along said right-of-way line for 56.46'; thence N13°50'40"E for 79.36' to a point on the southeasterly right-of-way line of South Delaware Avenue; thence N46°21'24"E for 0.00' to a point of curve; thence northeasterly along said right-of-way line on a curve to the left with a central angle of 14°29'20" and a radius of 1121.74 for 283.67'; thence N88°53'57"E for 100.63' to the POB of said tract of land.

**Legal Description for PUD-306-G:**

Tract A: A TRACT OF LAND THAT IS PART OF THE SW/4 OF THE NE/4 OF SECTION 20, T-18-N, R-13-E, OF THE IBM, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHWEST CORNER OF THE SW/4 OF THE NE/4 OF SAID SECTION 20; THENCE N 88°40'02" E ALONG THE NORTHERLY LINE OF SAID SW/4 OF THE NE/4 FOR 60.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING N 88°40'02" E ALONG SAID NORTHERLY LINE FOR 601.55' TO A POINT ON THE WESTERLY LINE OF "WOODSIDE VILLAGE III", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 46°06'49" E ALONG SAID WESTERLY LINE FOR 115.17'; THENCE S 01°06'03" E ALONG THE WESTERLY LINE OF "WOODSIDE VILLAGE III" FOR 681.22' TO A POINT THAT IS 36.01' NORTHERLY OF THE SOUTHWEST CORNER OF SAID "WOODSIDE VILLAGE III", SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 95TH STREET SOUTH; THENCE N 71°33'36" W FOR 0.00' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF EAST 95TH STREET SOUTH ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 46°18'08" AND A RADIUS OF 441.46' FOR 356.76' TO A POINT OF REVERSE CURVE; THENCE CONTINUING WESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 57°33'59" AND A RADIUS OF 513.46' FOR 515.89' TO A POINT OF TANGENCY; THENCE N 82°49'21" W ALONG SAID TANGENCY AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 95TH STREET SOUTH FOR 33.64' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE; THENCE N 01°06'03" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE WESTERLY LINE OF THE SW/4 OF THE NE/4 OF SECTION 20 FOR 221.99' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, CONTAINING 6.9886 ACRES; AND **TRACT B:** A TRACT OF LAND THAT IS PART OF SECTION 20, T-18-N, R-13-E OF THE IBM, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHWEST CORNER OF THE SW/4 OF THE NE/4 OF SAID SECTION 20; THENCE N 88°40'02" E ALONG THE NORTHERLY LINE OF THE SW/4 OF THE NE/4 OF SAID SECTION 20 FOR 60.00' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE; THENCE S 01°06'03" E ALONG

SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE WESTERLY LINE OF THE E/2 OF SAID SECTION 20 FOR 294.75' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 95TH STREET SOUTH; THENCE S 82°49'21" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 23.16' TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 57°33'57" AND A RADIUS OF 441.46' FOR 443.54' TO A POINT OF REVERSE CURVE; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 49°07'52" AND A RADIUS OF 513.46' FOR 440.29' TO A POINT ON THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF "COLLEGE PARKE SECOND", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 01°06'03" E ALONG SAID EXTENSION FOR 32.44' TO A POINT THAT IS THE NORTHWEST CORNER OF BLOCK 3 OF "COLLEGE PARKE SECOND"; THENCE CONTINUING S 01°06'03" E ALONG THE WESTERLY LINE OF SAID BLOCK 3 FOR 451.79' TO THE SOUTHWEST CORNER OF SAID BLOCK 3; THENCE S 86°16'22" W FOR 0.00' TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 32°00'04" AND A RADIUS OF 685.73' FOR 383.00' TO A POINT OF TANGENCY; THENCE S 54°16'18" W ALONG SAID TANGENCY FOR 10.25' TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 17°53'31" AND A RADIUS OF 660.00' FOR 206.10' TO A POINT OF REVERSE CURVE; THENCE CONTINUING SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 27°17'10" AND A RADIUS OF 420.00' FOR 200.02'; THENCE S 88°53'57" W FOR 13.37'; THENCE N 01°06'03" W AND PARALLEL WITH THE WESTERLY LINE OF THE E/2 OF SECTION 20 FOR 80.11'; THENCE S 88°36'43" W FOR 45.00'; THENCE N 07°25'49" W FOR 370.52'; THENCE S 88°53'57" W FOR 44.16'; THENCE S 67°31'48" W FOR 77.21' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVERSIDE PARKWAY; THENCE N 25°54'18" W FOR 0.00' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 5°15'02" AND A RADIUS OF 1373.24' FOR 125.84' TO A POINT OF TANGENCY; THENCE N 31°09'20" W ALONG SAID TANGENCY AND ALONG SAID RIGHT-OF-WAY LINE FOR 66.75'; THENCE N 88°39'31" E FOR 177.28'; THENCE N 01°34'55" W FOR 125.00'; THENCE S 88°39'31" W FOR 182.95'; THENCE S 01°06'03" E AND PARALLEL WITH THE EASTERLY LINE OF THE W/2 OF SECTION 20 FOR 113.36' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVERSIDE PARKWAY; THENCE N 31°09'20" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 127.31'; THENCE N 13°50'40" E FOR 79.36' TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE; THENCE N 46°21'24" E FOR 0.00' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 36°37'18" AND A RADIUS OF 1121.74' FOR 716.98' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE; THENCE N 01°06'03" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE

FOR 14.32' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND CONTAINING 18.7247 ACRES; **AND TRACT B1** A TRACT OF LAND THAT IS PART OF THE W/2 OF SECTION 20, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHEAST CORNER OF THE SE/4 OF THE NW/4 OF SAID SECTION 20; THENCE S 01°06'03" E ALONG THE EASTERLY LINE OF THE W/2 OF SAID SECTION 20 FOR 513.98' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 01°06'03" E ALONG SAID EASTERLY LINE FOR 983.13'; THENCE N 07°25'49" W FOR 234.34'; THENCE S 88°53'57" W FOR 44.16'; THENCE S 67°31'48" W FOR 77.21'; THENCE N 25°54'18" W FOR 0.00' TO A POINT OF CURVE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 5°15'02" AND A RADIUS OF 1373.24' FOR 125.84'; THENCE N 31°09'20" W FOR 66.75'; THENCE N 88°39'31" E FOR 177.28'; THENCE N 01°34'55" W FOR 125.00'; THENCE S 88°39'31" W FOR 182.95'; THENCE S 01°06'03" E FOR 113.36'; THENCE N 31°09'20" W FOR 127.31'; THENCE N 13°50'40" E FOR 79.36'; THENCE N 46°21'24" E FOR 0.00' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 25°41'15" AND A RADIUS OF 1121.74' FOR 502.91' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, CONTAINING 2.5849 ACRES.

**TMAPC COMMENTS:**

Mr. Westervelt urged Mr. Johnsen to meet with Jon Eshelman, Traffic Engineer, as soon as possible. He indicated that Mr. Eshelman will be working with Mr. Sack and Mr. Johnsen to look into the traffic signal of the before-mentioned intersection. Although the traffic signal has not been confirmed at this time, it is Mr. Eshelman's suspicion that the combination of the traffic signal and the traffic calming device together will be very effective in providing access for the center and egress from the neighborhood to be able to get out. He concluded that he feels that this proposal is a benefit to the neighborhood and the development.

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**ZONING PUBLIC HEARING**

**PUD-360-A-6 - Adrian Smith**

(PD-18) (CD-8)

West of northwest corner East 91<sup>st</sup> Street and South Memorial  
(Minor Amendment)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to create an additional development area by dividing the 6.258 acres of Area 2-A into two areas and setting development standards for each area.

Staff has examined the request and finds the applicant is proposing the creation of two new development areas within Area 2-A of Lot 2 consisting of Area 2-A-1 and Area 2-A-2. Area 2-A-1 will contain 2.27 acres and Area 2-A-2 will contain 3.988 acres.

Staff notes that Minor Amendment 360-A-3, approved in August 1998, established revised development areas and standards for all of Lot 2 of the Homeland No. 0102 Addition including the creation of Development Area 2-A. The current request proposes a further refinement and division of Area 2-A to facilitate a lot split.

Development Areas and Standards - Staff recommends **APPROVAL** of the proposed development areas and standards as follows, noting that all PUD-360-A and 360-A-3 standards remain unchanged\* unless modified herein:

Development Area 2-A-1

Land Area (Net): 2.27 acres  
Permitted Uses: As permitted in the CS District.  
Maximum Floor Area: 36,000 square feet  
Maximum Building Height: 35 feet/2 stories  
Minimum Building Setback: From West Development Area Boundary - 0 feet.  
From North Property Boundary - 40 feet

Development Area 2-A-2

Land Area (Net): 3.988 acres  
Permitted Uses: As permitted in the CS District except within the west 200 feet which shall be restricted to Use Units 11 & 14  
Maximum Floor Area: 32,000 square feet  
Maximum Building Height: 35 feet/2 stories except within the west 200 feet where height shall be restricted to 24 feet/1-story  
Minimum Building Setback: From West Property Boundary - 60 feet

Signage

Two ground signs shall be allowed along the 91<sup>st</sup> Street frontage of Development Area 2-B and be placed at least 150 feet from the west boundary of Development

Area 2-B. The signs shall not exceed 25 feet in height and shall comply with other sign regulations as set forth in Subsection 1103 B 2. One sign shall identify the users of Development Areas 2-A-1, 2-A-2 and 2-C with the other sign identifying the users of Development Area 2-B. The aggregate display surface area for both signs shall not exceed 320 SF.

### Mutual Access and Access Drive

By separate instrument and prior to approval of a lot-split, TMAPC shall approve a *Declaration of Easements, Covenants and Restrictions*\*\* filed with the County which provides mutual access to Development Areas 2-A-1 and 2-A-2 and all other parcels abutting the paved access drive. The paved access drive shall be at least 30 feet in width and maintained jointly by the users of all development areas within Lots 1 and 2.

\*\*The applicant has filed a Declaration of Easements with the Tulsa County Clerk found in Book 5439, Pages 2393-2405. Staff finds the recorded Declarations acceptable for purposes of insuring mutual access between all users within Lots 1 and 2 of the Homeland No. 0102 Addition.

### Lighting

All building and parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. Light standards within the west 200 feet of Development Area 2-A-2 shall be limited to 15 feet in height.

\*Standards applied to Development Areas 2-A-1 and 2-A-2 include, but are not limited to:

1. Minimum 11.6% Internal Landscape Open Space (from 9/89 approval of PUD-360-A)
2. Minimum 40-foot setback of paving from the west property line.
3. North and west elevations of proposed buildings be architecturally similar in character to the fronts of buildings.
4. That a 40-foot landscape buffer strip on the west boundary of Development Area 2-A-2 be provided that includes significant landscaping with large plant materials; that a screening fence be provided along the west boundary of Development Area 2-A-2 and the north boundaries of Development Areas 2-A-2 and 2-A-1.

**Note:** Minor Amendment approval does not constitute Detail Site, Landscape or Sign Plan approval.

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

### **Interested Parties:**

**Daryl Richter**, 8925 South 77<sup>th</sup> East Place, Tulsa, Oklahoma 74133, stated he abuts the subject property. Mr. Richter expressed concerns with the landscaping plan and splitting the subject property. He stated that when the property is split the west side of the property will be ignored with regard to landscaping. He requested that the Planning Commission impose a condition that the landscaping on the west side be installed when the east side is developed.

Mr. Richter explained that when Homeland was built they never addressed any issues regarding the side properties and there is a large mound of dirt, which has become a trash dump. He complained of rodents and trash coming into his yard and the surrounding neighbors' yards. He stated that the neighbors have problems with drainage due to the large mound of dirt and the trash. He expressed concerns regarding the lack of a screening fence to block the view from the residences.

Mr. Richter expressed concerns that with only one area being developed at this time and the other two areas being left idle, the neighbors will have the same problem as when Homeland was developed.

Mr. Richter stated that what he would like addressed today is that before the property split is allowed that the neighbors know what is going to happen in regard to the development areas. He requested that the maximum building height be returned to the original approval of 20-foot building height.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Richter if he realized that the Planning Commission does not have a detail site plan and today's agenda is to consider changing PUD standards. Mr. Richter stated he did not know what the Planning Commission was given today.

**Mr. Midget out at 3:44 p.m.**

Mr. Stump stated that Mr. Richter makes a good point with regard to landscaping and screening. He explained that the requirement for landscaping and screening comes about when a lot is developed. By allowing separate standards for each area, which will facilitate a lot-split, the applicant could develop the eastern lot where there is no landscape strip or screening requirement and not have to meet the requirements until the western lot is developed. If the Planning Commission would like to accomplish what Mr. Richter is requesting, then the Planning Commission would have to add a condition to the staff recommendation that the 40-foot landscaping strip and the screening fence along the west boundary of Lot 2-A-2 be in place prior to occupancy of any use in Lot 2-A-1.

Mr. Boyle asked Mr. Stump if today is the best time to impose the landscaping and screening fence requirements. In response, Mr. Stump answered affirmatively.

Mr. Westervelt asked Mr. Richter if there are screening fences currently existing. Mr. Richter stated that there are fences that individuals have installed, but not everyone has a fence along the development. Mr. Richter indicated that some of the fences are chain link fences and some are screening fences.

Mr. Westervelt suggested that Mr. Richter call Code Enforcement regarding the trash and rodents. Mr. Westervelt advised Mr. Richter to call stormwater management as well. In response, Mr. Richter stated that he, as well as his neighbors, have made calls and no one seems to be concerned. Mr. Richter commented that he has problems with

stormwater drainage and flooding in his yard. Mr. Richter stated that at one time there was a ditch made to help relieve the drainage problems, but it has not helped.

**Interested Parties:**

**Max Stilwell**, 9003 South 77<sup>th</sup> East Place, Tulsa, Oklahoma 74133, stated that he has contacted the Code Enforcement office and was informed that there is no regulation to govern rodent problems. He further stated that he was informed that the rodents could only be addressed if the area was visible from the street.

**TMAPC COMMENTS:**

Mr. Westervelt advised the interested parties to contact Jack Page, City of Tulsa. He suggested the interested parties to explain that they appeared before the Planning Commission today and that Mr. Westervelt asked them to call. Mr. Horner informed the interested parties that Mr. Page's phone number is 596-1846. Mr. Westervelt and Mr. Boyle advised the interested parties to use their names when they call.

**Applicant's Rebuttal:**

**Adrian Smith**, Hammond Engineering Company, no address given, stated that the proposal is for a local retailer. He explained that the application was originally for one lot, which is the lot immediately west of the Homeland store. He indicated that his client has not submitted a landscape plan nor a detail site plan at this time; however, the plans will only have minor changes from the original plans.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Smith if he is willing to accept the condition that the Planning Commission would require the landscaping and the screening on the western side of the other lot before an occupancy certificate is issued. In response, Mr. Smith stated he cannot personally agree with that condition, but he doubts his client would object. Mr. Smith commented that he would have to call his client before committing to that condition voluntarily.

In response to Ms. Pace's comments regarding the responsibility of installing a screening fence, Mr. Stump stated that staff understood that the applicant was dividing off a portion of a shopping center that was to cross into both Lot 2-A-1 and 2-A-2 and developed entirely. Mr. Stump suggested, as a safeguard while it is still under one ownership, that the landscaping and screening fence on the west boundary of the PUD be in place before the eastern lot obtains an occupancy certificate.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-360-A-6, subject to there being no occupancy certificate within any portion of Lot 2-A be permitted until the required 40-foot landscape buffer and screening fence along the western boundary of Lot 2-A is in place and conditions recommended by staff.

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**PUD-516-6 - Roy D. Johnsen**

(PD-26) (CD-8)

Southeast corner East 101<sup>st</sup> Street South and South Yale Avenue  
(Minor Amendment)

**Staff Recommendation:**

Mr. Dunlap stated that the applicant is requesting Minor Amendment approval to permit a proposed lot (Lot 1 of the proposed replat) to be split and attached to the adjoining Lot 19, Block 1, 101 Yale Village for parking. The applicant further requests that no allocation of floor area be made to Lot 19 from the previous allocation for Lot 1 of the proposed replat. Finally, the applicant does not request that a reallocation of floor area be made to Lots 2 through 7 within the proposed replat area.

Staff has reviewed the request and finds the request eliminates 12,876 square feet of lot area allocated to Lot 1, 101 Yale Village Office Park Replat approved by PUD-516-5. The net effect of the current request adds 12,876 square feet of lot area to Lot 19, Development Area A, to be used exclusively as parking for the 17,192 square feet of commercial floor area originally approved as amended by PUD-516-1. Uses allowed within Lot 19 include off-street parking, offices and retail commercial (Uses 10, 11, 13 & 14).

Staff can support the request as maintaining the character and intent of the original PUD approval while providing additional parking area within Development Area A. Staff is of the opinion that the marketability of lots will be increased while maintaining the requirements of the PUD and applicable portions of the Code.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-516-6 noting that all development standards of the original approval and PUD-516-5 remain unchanged. Further, approval is conditioned on:

1. The development standards established within the initial approval of PUD-516 shall remain applicable except as modified by PUD-516-5 and this approval, and shall include the requirement of detail site plan review for the development of each lot within the project area.

**Mr. Harmon out at 4:04 p.m.**

**Mr. Johnsen indicated his agreement with staff's recommendation.**

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

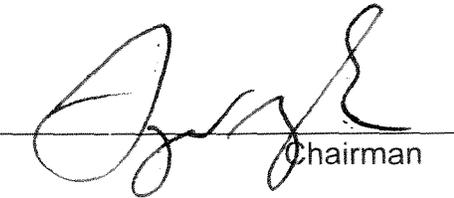
**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Midget "absent") to **APPROVE** the Minor Amendment of PUD-516-6, subject to conditions as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date approved: 3/24/99

  
Chairman

ATTEST: Branden J. Jach  
Secretary