

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2252

Wednesday, September 27, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Collins	Beach	Boulden, Legal
Carnes		Bruce	Counsel
Harmon		Dunlap	
Hill		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 25, 2000 at 9:30 a.m., posted in the Office of the City Clerk at 9:21 a.m., as well as in the office of the County Clerk at 9:16 a.m.

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

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that there is a workshop in November and he would like as many of the Planning Commissioners to go as possible.

Mr. Westervelt announced that the Budget and Work Program Committee is scheduled for a worksession immediately following the TMAPC meeting. He informed the Planning Commission that based on what time the regular TMAPC meeting is over will decide whether there will be a worksession. It may need to be continued to another date.

CONTINUED ITEMS:

APPLICATION NO.: PUD-559-A-2

MINOR AMENDMENT

Applicant: Mark Reentz

(PD-18) (CD-8)

Location: North and east of northeast corner of East 91st Street and South Mingo.

Mr. Westervelt announced that there has been a timely request for a continuance to October 4, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** the minor amendment for PUD-559-A-2 to October 4, 2000.

APPLICATION NO.: Z-5620-SP-10

CORRIDOR SITE PLAN

Applicant: Ted Sack, Sack & Associates

(PD-18) (CD-8)

Location: East of southeast corner of East 91st Street and South Memorial.

Mr. Westervelt stated that there is a request for a continuance to October 4, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HILL**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** the corridor site plan for Z-5620-SP-10 to October 4, 2000.

SUBDIVISIONS

FINAL PLAT:

The Gates at Forest Park (2783) (PD-26) (CD-8)
¼ mile north of the northwest corner of 111th and Sheridan

Staff Recommendation:

Mr. Bruce stated that all of the release letters have been received and everything is in order. Staff recommends **APPROVAL** of the final plat for The Gates at Forest Park.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the final plat for The Gates at Forest Park as recommended by staff.

PRELIMINARY PLAT:

Oil Capital Federal Credit Union (PUD-630) (3393) (PD-18) (CD-7)
South side of 51st Street South, between Oswego and Richmond

Staff Recommendation:

GENERAL

The site is located on the south side of 51st Street between Harvard and Yale. It is in an area of existing residences and offices. There are deadends on 51st Place into the site from both the east and the west.

ZONING

The site is zoned OL and RS-2 with the OL designation on the northern 160' of the platted area and the RS-2 on the remainder in the south. The site is bounded on the east by OL and RS-2 zoning and on the west by OM and RD. RS-2 zoning abuts the site on the south.

The PUD covers the area between 51st Street and 51st Place and allows the uses allowed by right in the OL district and drive-in banking facilities.

STREETS

The site will be accessed from 51st Street. The plat indicates entries at the east and west boundaries. The plat does not propose to connect 51st Place in the southern third of the site.

SANITARY SEWER

Sanitary sewer is present along the east lot line of the lots to the east of the site. It stubs west of the project on the north lot line of the lots facing 51st Place South.

WATER

Water is present along the south side of 51st Place, stubbing at the east and west boundaries of the site.

STORM DRAIN

Staff does not have drainage/detention information.

UTILITIES

A 17.5' perimeter easement is shown.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- Somdecerff, Traffic, requested standard dedications on 51st Street.
- French, Streets, indicated that signage should not be shown in the right-of-way, and commented that sidewalks should be shown on the site plan. In response to the applicant's indication that the area south of the 51st Place right-of-way would be used for residential purposes; Mr. French indicated that the street should be improved and that a PFPI would be required to improve the street. He also requested that the easterly access from 51st Street be reduced to 30' and suggested that two egress lanes be used based on volume.

2. Sewer:

- Bolding, PW/Engineering, indicated that an extension would be required to serve the site.

3. Water:

- Murphree, PW/Water, indicated that more information was required, particularly regarding configuration and use.
- Caulkins, Fire, commented on the site plan and indicated that the size of the radius in the southwest corner of the parking area should be increased to allow movement of fire trucks and that the dumpster location should be changed.

4. Storm Drainage:

- McCormick, Stormwater, indicated that detention would be required with standard easements.

5. Utilities:

- Nelson, Valor (written), requested that the covenants in paragraph 1.4.2 cover all utilities and that paragraph 1.1.6. not exclude gas.

Additional Staff comments:

The applicant has indicated that he intends to construct the bank and to sell two lots south of 51st Place for residential purposes.

It appears from the PUD file and the minutes of the PUD/zoning hearing that there was significant discussion regarding the completion of 51st Place. Public concern appears to have centered on the concern over office traffic on the street. Public Works has indicated that the street should be completed. TMAPC Staff is of the opinion that two waivers of Subdivision Regulations will be required should the Commission elect to allow a stub. The first waiver would be to allow an over-length cul-de-sac; the second would to deviate from the logical extension of streets.

Should this street be stubbed staff would recommend turnarounds on both ends. This may be as expensive as extending the street, based on the amount of extra material required to construct sufficient radius on the head of the cul-de-sac.

In the alternative a limits-of-no-access (LNA) should be placed along the north right-of-way of the street eliminating traffic to and from the office complex. Screening fences should be considered.

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

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Standard dedications on 51st Street.
2. Through-connection of 51st Place with Limits of No Access (LNA) along northern right-of-way.
3. On-site detention and appropriate easements.
4. Sewer and water extensions and easements to the satisfaction of Public Works.

Standard Conditions:

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

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The 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.)

15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.
21. All other Subdivision Regulations shall be met prior to release of final plat.

Interested Parties Comments:

Doris Graham, 4224 East 51st Place, Tulsa, Oklahoma 74135, stated that she is an adjacent property owner to the subject property. Ms. Graham indicated that she would prefer that the street not be opened on 51st Place.

Ms. Graham stated that she is willing to have the street open on one side, but not all the way across.

TMAPC Comments:

Mr. Boyle asked Ms. Graham why she didn't want the street to go all the way through. In response, Ms. Graham stated that she didn't want additional traffic. Mr. Boyle asked Ms. Graham if the subject area is a heavy traffic area today. In response, Ms. Graham answered negatively. Mr. Boyle asked Ms. Graham why she thought the opening of the street would remarkably increase the traffic to a point that is unreasonable. In response, Ms. Graham stated that she couldn't judge that until it happens.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the preliminary plat for Oil Capital Federal Credit Union subject to special conditions and standard conditions as recommended by staff.

Mr. Westervelt out at 1:46 p.m.

QuikTrip Corporate Campus (PUD-635) (2894)
4600 Block of South 129th East Avenue, east side.

(PD-17) (CD-6)

Staff Recommendation:

GENERAL

The site is bounded on the north by single-family residences (Quail Ridge Addition) on the east and on the southeast by vacant land, on the south by office use and on the west by 51st Street. The site generally drains north to south, away from the addition.

ZONING

The site is currently located in the AG district. The proposed zoning change/PUD would amend the zoning to the OL with PUD overlay. The proposed PUD allows those uses that are allowed by right in the OL district. The PUD will be heard by the Commission on August 16.

STREETS

The site is bounded on the west by 129th East Avenue. The plat indicates three access points onto 129th. Two streets extend from the north at the north boundary of the site. The PUD site plan does not indicate any ties to or extensions of these streets. The plat does not indicate limits of no access.

The plat does not give any indication of the size of the private loop street.

WATER

The conceptual layout from the PUD indicates that water will be brought from the north (132 Place) and the west (line along 129th East Avenue).

SEWER

Sanitary sewer will tie to the existing stub at 129th East Avenue in the central portion of the site.

STORM DRAIN

The site will drain to areas A and B. It is not clear from the site plan how the water from the north will be received and transmitted to the reserve areas.

UTILITIES

Easements are not shown on the plat.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- Somdecerff, Traffic: requested a Limits of No Access on 132nd Street and references for dedications along 129th Avenue.

- French, Streets: indicated that the northerly access point into the project may require a PFPI for minor median modification. He also noted that care should be taken that the left turn lanes of the southern access point should be aligned with the median break, not just the centerline. Discussion occurred regarding access provision into the area to the east of the site.
2. **Sewer:**
 - Bolding, PW/Engineering: will require easements and extension from the existing stub.
 3. **Water:**
 - Murphree, PW/Water: 20' dedicated water easements will be required.
 4. **Storm Drainage:**
 - McCormick, Stormwater: indicated that maintenance easements and easements over the reserve areas will be required.
 5. **Utilities:**
 - No comments.

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

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Align access points with median breaks to satisfaction of Public Works.
2. Provide PFPI for median revisions at northern access.
3. Provide drainage easements to satisfaction of Public Works.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
6. 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).
7. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
8. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.

9. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
10. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
11. Street names shall be approved by the Public Works Department and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. 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.
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. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)

22. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. 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.
24. 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 staff's recommendation; however, as a matter of record, the subject property is being purchased as part of an overall tract that is 160 acres. There are 80 acres to the east of the subject property, which is included in this project. An easement will be granted over to the 80 acres in order to provide sewer. He explained that this is an agreement he had with the Mayo Family and it was not clear on the TAC recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Collins, Westervelt "absent") to **APPROVE** the preliminary plat for QuikTrip Corporate Campus, subject to the special conditions and the standard conditions as recommended by staff.

Mr. Westervelt in at 1:50 p.m.

Burgundy Place (PUD-346-A) (1783) (PD-18) (CD-2)
Southeast corner of East 88th Street South and South Lewis Avenue

Staff Recommendation:

GENERAL

The site is located east of Lewis Avenue, south of 88th Street. The proposed addition is a resubdivision of lots 1 and 2 of block 1 of Lewis Center East and lots 1 and 2 of block 5 of the Crown Imperial Addition, creating one lot in one block.

The site currently contains the Burgundy Place Retirement Center, a ten story, 133-unit elderly housing structure with congregate kitchen attached. The purpose of the expansion is to facilitate the construction of an 84-unit assisted living center and Alzheimer care facility.

ZONING

The site is zoned CS with PUD. The tract that is being added is also zoned CS and will be part of the PUD. The subject site is bounded by RM-1 zoning and uses to the northeast, CS zoning and uses to the north across 88th Street, Lewis Avenue on the west with hotel beyond, CS zoning and uses to the south and vacant land zoned IL to the east.

The amendment to the PUD allows 52,512 square feet of Alzheimer's facility.
(*Note: floor area was approved at 82,612 SF per the hearing of 8/16.*)

STREETS

East 88th Street bounds the site on the north; Lewis bounds it on the west. The plat indicates one access point onto Lewis and does not indicate either access or LNA along 88th. Lewis and 88th are shown at their ultimate widths; the plat does not reference previous dedications.

SANITARY SEWER

Sanitary sewer is located along the north boundary and through the central portion of the site.

WATER

Water is present along east side of Lewis and the south side of 88th Street.

STORM DRAIN

A storm drain easement is located in the southeast corner of the site.

UTILITIES

Easements of varying widths are located around the perimeter of the site.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- Somdecerff, Traffic: requested a 30' radius return on 88th Street.

2. Sewer:

- Bolding, PW/engineering: indicated potential relocation might be required, depending on building location.

3. Water:

- Murphree, PW/water: no comments

4. Storm Drainage:

- McCormick, Stormwater: requested additional coordination to clarify easements along the southern boundary.

5. Utilities:

- No utility providers were present.

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

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Provide 30' radius return at SE/C 88th and Lewis.
2. Relocate sanitary sewer to satisfaction of Public Works.
3. Clarify storm drainage easements to satisfaction of Public Works.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.
21. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the preliminary plat for Burgundy Place, subject to special conditions and standard conditions as recommended by staff.

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CAPITAL IMPROVEMENT PROJECTS:

Review of Proposed Capital Improvement Projects for the Brookside Area and Finding them in Accord with the District 6 Detail Plan, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Recommendation:

Ms. Matthews stated that she reviewed the list of proposed capital improvement projects for the Brookside Pilot Plan and they generally seem to be in accord with provisions of the District 6 Detail Plan. She indicated that the following statements, as they are numbered in the Detail Plan, appear to apply to the proposed capital improvements, referenced by their order of priority.

Priority #1 Peoria Avenue improvements: 3.4.1.6, referring to development/redevelopment maintaining the pedestrian orientation and including pedestrian amenities; and Design Guidelines from the 1993 Brookside study.

Priority #2 Resurfacing and rehabilitating existing residential streets and correcting drainage problems: 5.2.2.2, referring to maintenance of the District's residential and collector street systems to ensure safe driving conditions; and 6.6.2, referring to upgrading of all utilities to properly serve the District.

Priority #3 Beautification of Peoria from 31st to 51st Streets: 3.4.1.9, referring to adherence to the Design Guidelines of the 1993 study; 3.4.1.16, referring to the inclusion of landscaping as part of any development/redevelopment in the area; and 3.4.3.3, referring to development/redevelopment having as a component sidewalk and other pedestrian-oriented improvements, landscaping and lighting.

Priority #4 Provision of entry features at Peoria Avenue and Skelly Drive: 3.4.1.16, referring to inclusion of landscaping as part of any development/redevelopment in the area; and 3.4.3.3, referring to development/redevelopment having as components landscaping, signage and other similar improvements.

Priority #5 Intersection improvements near Eliot School: 5.2.2.2, referring to maintenance of the District's residential and collector streets to ensure safe driving conditions; and 5.3.2, referring to development of a system of pedestrian-ways to link schools, parks and other destination points safely.

Priority #6 Provision of entry features and improvements at Crow Creek bridge: See citations on Priority #4, above.

Priority #7 Beautification of 41st Street from Rockford Avenue to Riverside Drive: See citations on Priority #4, above.

Priority #8 Provision of parking facilities: 3.4.1.11, referring to provision of adequate off-street parking in relation to development/redevelopment in the area; 3.4.1.14, referring to maximizing use of existing parking facilities, shared use agreements and the possibility of joint developments; and 3.4.1.18, referring to the possibility of creating an assessment district to provide additional parking facilities.

The District Plans are general guidelines for development and redevelopment within their boundaries. The statements cited above appear to address and support the proposed improvements for the Brookside area.

Staff recommends **APPROVAL** and find these Capital Improvement Projects to be in accord with the Plan.

TMAPC Comments:

Mr. Westervelt stated that Mr. Harmon would like to attend the Brookside meetings in order to help the Planning Commission to understand the continuity. In response, Mr. Carr stated that he would welcome Mr. Harmon to attend the Brookside meetings.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the proposed Capital Improvement Projects for the Brookside area and find them in accord with the District 6 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area as recommended by staff.

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CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: PUD-639

OM/OL/RM-2 TO OM/OL/RM-2/PUD

Applicant: Roy D. Johnsen

(PD-7) (CD-9)

Location: Southeast corner of East 21st Street South and South Main

TMAPC Comments:

Mr. Westervelt explained that there are numerous speakers and a time limit will be set for each individual. He submitted for the record letters received in support of the subject application (Exhibit A-8) and letters opposing the subject application (Exhibit A-4).

Staff Recommendation:

The PUD proposes a 74-unit townhouse and high-rise multifamily development on 2.58 acres located at the southeast corner of East 21st Street and South Main. The proposed high-rise multifamily building could be up to 15 stories tall. The north/south dimension of the subject tract is 295' and the east/west dimension of the subject tract is 381'. The tract is bounded on the north by 21st Street, on the south by 22nd Street, on the west by Main Street and on the east by Boston Avenue.

The subject tract is zoned OM, OL and RM-2. There are park and office uses zoned RM-2 and OL to the north of the tract across 21st Street; to the east, across Boston Avenue, are multifamily and duplex uses zoned RM-2; to the south across 22nd Street are multifamily uses zoned RM-2; and to the west across Main Street are office uses, zoned OM and OH.

The Comprehensive Plan designates this area Medium Intensity-No Specific Land Use. The proposed 28.7 dwelling units per acre is well within the intensity allowed by this plan designation. The existing OM zoning also allows high-rise office buildings by right on that portion of the tract.

Staff finds this development implements goals of the Infill Study and the Comprehensive Plan to encourage new residential development in older parts of the city and complements the existing high-rise residential buildings and multifamily already in this area.

Therefore, 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-639, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-609 subject to the following conditions:

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

2. Development Standards:

Land Area (Net): 2.85 Acres

Permitted Uses: Townhouse Dwellings as allowed in Use Unit 7a; and multifamily dwellings as allowed in Use Unit 8, and uses customarily accessory to the permitted principal uses.

Maximum Number of Dwelling Units:
 Multifamily 70 DUs
 Townhouses 4 DUs

Maximum Building Height:
 Multifamily 15 stories, not to exceed 178' in height.*
 Townhouses 3 stories
 Parking Structure 3 levels

Minimum Building Setbacks:
 Multifamily
 From centerline of 21st Street 80 FT
 From centerline of Boston Avenue 180 FT
 From centerline of 22nd Street 90 FT
 From centerline of Main Street 80 FT

Townhouses
 From the centerline of 21st Street 265 FT
 From the centerline of Boston Avenue 50 FT
 From centerline of 22nd Street 40 FT
 From centerline of Main Street 270 FT

*Amendment to development standards offered by applicant during the public hearing.

Parking Structure

From centerline of 21 st Street	45 FT
From centerline of Boston Avenue	35 FT
From centerline of 22 nd Street	115 FT
From centerline of Main Street	270 FT

Minimum Livability Space:	200 SF per dwelling unit.
Off-Street Parking:	Two spaces per dwelling unit, plus 20 spaces guest parking.
Minimum Landscaped Open Space:	35% of net area.
Other Bulk and Area Requirements:	As established within an RM-2 district.

3. Landscaping shall be in substantial compliance with applicant's development plan.
4. 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.
5. 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 has been installed in accordance with the approved Landscape Plan for the lot, other than townhouse lots, 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.
6. 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.
7. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. The parking garage shall be designed so that no headlights of vehicles in or on top of the garage can be seen off-sight, except when such vehicles are entering or exiting the garage.
9. 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.
10. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
11. No building permit shall be issued until the requirements of Section 1107F 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
13. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
14. 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.

TMAPC Comments:

Mr. Westervelt asked staff if the OM-zoned property, which is west of the subject property, has any height limitation requirements. In response, Mr. Stump stated that OM districts does not have any limitations on height of buildings, but there is a ten-foot setback on the sides and an 85-foot setback on the north (21st Street). On the minor streets there would be unlimited height within ten feet of the property line to the east, south or west.

Mr. Westervelt asked if the OH-zoned property would have a height limitation. In response, Mr. Stump stated that OH districts also have unlimited building height.

Mr. Westervelt stated that there was a certain amount of information requested by the opposition regarding the subject project. He explained that the requested information is more than is required or that the Planning Commission is allowed to do. He further explained that the Planning Commission does not consider financial matters, but simply deal with land use issues. He commented that the applicant submitted the information that he is required to submit for the subject application and will satisfy the State Statutes. The additional requested information is above and beyond the application requirement and the Planning Commission will not consider these issues today.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Paul Coury, stated that his client has acquired three parcels of land that is included in this application. He described the boundaries of the subject property under application.

Mr. Johnsen stated that his client has proposed a redevelopment project that includes a high-scale luxury residential condominium, not to exceed fifteen stories in height with 70 dwelling units in the tower and four additional townhouse units in the southeast quadrant of the subject property.

Mr. Johnsen cited the history of the subject neighborhood and the Comprehensive Plan for the subject area. He reviewed the history of the zoning for the subject property. He commented that the history of the subject neighborhood and surrounding area is important because studies have been made regarding zoning, and should be considered when an application such as this is presented. Mr. Johnsen cited previous zoning cases and Board of Adjustment actions approved on the subject property.

Mr. Midget out at 2:20 p.m.

Mr. Johnsen submitted a packet (Exhibit A-6), which included maps, conceptual drawings of the proposed buildings, etc. Mr. Johnsen stated that he studied what the Comprehensive Plan provided for in the subject area and the existing zoning. He indicated that he determined it was not necessary to change the present underlying zoning on the subject property.

Mr. Johnsen stated that the subject proposal is a properly designed project and people he has spoken with regarding the proposal agree. He indicated that the controversy does not seem to be about the design or layout of the proposal. He stated that his client would submit elevations at the time of detail site plan review. He stated that the design group created a good streetscape and have provided substantial open spaces within the project.

Mr. Midget in at 2:31 p.m.

Mr. Johnsen reviewed the conceptual architectural rendering and discussed the ingress/egress. He indicated that 21st Street would be the principal entry and exit from the subject property.

Mr. Johnsen stated that he is pleased to be representing Mr. Coury on this project because he has very good credentials for this type of project. Mr. Johnsen listed the past projects that Mr. Coury has been involved in and the success of these projects. He indicated that Mr. Coury has studied the subject project at length and has visited various cities along the country. He stated that Mr. Coury hired one of the finest architects and he is committed to the idea that there is a market for this project and the proposed location is the best location. The proposed location is on the edge of the neighborhood to the south, the predominate use surrounding the subject property is multifamily and to the north the intensities become higher. The subject property is in proximity to Veteran's Park, important open space amenity, and River Parks to the west at a short distance.

Mr. Johnsen stated that he remembers during the Infill Study that there was concern about strengthening the public schools by achieving new development. He informed the Planning Commission that Mr. Coury has estimated the proposed project to be thirty-five million dollars and it could be higher. One of the things this proposal will bring is residents to the subject area and this will be an ownership project. The existing uses that will be taken away are the Shriners (non-profit and no tax base) and two single-family dwellings (taxes for the two dwellings is approximately \$8,600 per year). If Mr. Coury's project were to be approved and constructed the tax base would be approximately one-half million dollars). He explained that a good portion of the taxes would be funneled through the Tulsa Public Schools. The type of people who would live in the proposed project would generally not have school-aged children. Mr. Johnsen stated that there have been some objections raised due to fears that the taxes in the surrounding area would be raised, but usually most homeowners welcome the values of their homes to be enhanced, which he believes will happen if this project is approved.

Mr. Johnsen stated that there are some concerns regarding historic preservation regarding to the Ritts property, which is presently zoned office. He informed the Planning Commission that the Ritts property was not listed as one of the contributing structures for historic preservation zoning. The Ritts property is not within an HP district and it has never been listed on the Historic Register.

Mr. Johnsen stated that his client hired a traffic consultant, Jon Eshelman, and a traffic report has been submitted (Exhibit A-7). He explained that Mr. Eshelman was asked to prepare a study to consider what traffic would be generated by the proposed project compared to the traffic that would be generated by other reasonable use alternatives under current conditions. The traffic study indicated that high-rise condominium ownership is one of the lowest generating uses of

traffic. High-rise condominium generated trips per day, per unit, would be 4.18, or with 74 dwelling units it would be a total of 309 trips per day. Mr. Johnsen explained that they requested the consultant to consider low-rise apartments, similar to what the PUD would theoretically permit. The proposed PUD would permit 118 dwelling units for a low-rise apartment complex and the trip generation factor would 6.59 trips per day, per dwelling unit, or 778 total trips per day for 118 dwelling units. Mr. Johnsen cited various uses that could be placed on the subject property with its present zoning and the traffic that would be generated by those types of uses, which were significantly higher than the proposed PUD. He concluded that the high-rise that his client is proposing is the least (309 trips per day), in terms of traffic generation, of any use or purpose that could be made with the subject property. Mr. Johnsen stated that the 1999 surveys taken by the City of Tulsa for traffic generated on 21st Street was 13,500 vehicles per day. He indicated that Mr. Eshelman concluded that the normal carrying capacity is 44,000 and on a comparative basis there is relatively low traffic on 21st Street.

Mr. Johnsen stated that if a resident wanted to go to the Brookside area, it would be faster to leave the subject property and go to 21st, then Peoria and south to Brookside. If one should choose to go through the neighborhood it would take a longer time to get to Brookside. He commented that generally one will take the fastest route and that is not through the neighborhood.

Mr. Johnsen stated that the public has an investment in the near-downtown areas, developed properties, streets, infrastructure, parks, etc. and all should be utilized. It is in the public interest to take properties that are not being presently used in their best way and redevelop, which is what this application is all about. The project his client proposes would meet the objectives of infill one hundred percent.

Mr. Johnsen commented that there are several signatures on protest petitions, but there are some significant circumstances along Boston. He explained that to the west is nonresidential, to the south is the condominium project, to the east along 21st Street is a condominium project, and down along Boston there are duplexes and single-family homes. Mr. Johnsen concluded that the staff recommendation is favorable and has found the proposal keeping with the Comprehensive Plan and the infill concept. He advised the Planning Commission that the staff recommendation is acceptable to the applicant.

TMAPC Comments:

Mr. Midget asked Mr. Johnsen if he had a chance to meet with the neighbors. In response, Mr. Johnsen stated that this issue has been disappointing to him and his client, Mr. Coury. He indicated that Mr. Coury contacted several neighbors before he filed the application (Woodward Terrace, properties to the east and people he knew in the subject area.) He explained that Mr. Coury lives in Maple Ridge and offices a short distance from the subject area. He stated that his client

arranged a meeting at Mr. Dorwart's home and met with people he knew were interested. He indicated that there was a good attendance, both for and against. Mr. Coury has stated all along that he would share information and talk with anyone who wanted to talk. He tried to arrange a meeting with the Portofino Study Committee, which requested the continuance that was granted by the Planning Commission. He commented that he thought that the directive of the Planning Commission was to engage in some sort of meaningful dialogue regarding the subject property. He stated that he regrets to inform the Planning Commission that this was not succeeded. He explained that Mr. Coury met with the Committee's attorney and then the attorney wrote a letter requesting information. He stated that a traffic study was given to the attorney representing the committee and Mr. Coury has answered over 100 phone calls. He indicated that Mr. Coury met with several neighbors that requested a meeting. He stated that Mr. Coury attended a Maple Ridge Board meeting, as well as the Preservation Commission, and answered questions. He concluded that his client was never able to affectively meet with the leadership of the Stop Portofino Committee (or Portofino Study Committee).

Mr. Boyle stated that the garage will be a significant part of the 21st Street frontage and it is something that he will see every day while driving down 21st Street. Mr. Boyle requested more information regarding the garage's appearance. In response, Mr. Johnsen stated that the concept is to make the garage look more like a building and less like a parking area. Mr. Johnsen explained that the garage is stair-stepped and it gets higher to the south. Mr. Johnsen described the perimeter of the project with extensive landscaping, wrought-iron-type fencing and masonry posts. Mr. Johnsen indicated that there would be a tennis court on top of the garage.

Mr. Boyle asked Mr. Johnsen how tall the garage would be in the back and the front. In response, Mr. Johnsen stated that he understands that the lowest level will run the full length of the garage (off 21st Street), then the next level is stepped up nine feet (2nd level), next level will go up an additional nine feet (3rd level), which would make it 18 feet above grade. Mr. Johnsen stated that he is willing to submit elevations as a part of detail site plan review.

Mr. Boyle asked how the limited ingress would work and if the main ingress/egress is to be from 21st Street. Mr. Johnsen stated that there are a lot of ways to enforce the ingress/egress and one is to have a one-way gate.

Mr. Boyle asked how the stacking of vehicles going into a gated compound would be handled. In response, Mr. Johnsen stated that the stacking would be inside the compound. Mr. Johnsen commented that staff looks into this type of issue and makes sure that there is stacking room.

Mr. Ledford asked what the current numbers show for trips per day for single-family dwellings. In response, Mr. Stump stated that the current study shows that there are ten trips per day per single-family dwelling unit.

Mr. Harmon asked Mr. Johnsen how the number of units was derived. In response, Mr. Johnsen stated that he reviewed the existing zoning and Mr. Coury examined the economics on the subject proposal. Mr. Johnsen stated that his client wants a very attractive streetscape and the more units proposed, the more parking spaces required. Mr. Johnsen explained that his client wanted to have large units and the 74 units are intended to be very nice homes. Mr. Johnsen stated that after discussion with the architect, staff and meetings his client decided on a 74-unit high-rise. He indicated that his client wanted to stay within the realm of other developments and skyline such as Yorktown and 2300 Riverside.

Ms. Pace asked Mr. Johnsen how many parking spaces would be available for guests. In response, Mr. Johnsen stated that his client will have to provide guest parking and he believes the requirement will be 25 to 30 parking spaces. Ms. Pace asked Mr. Johnsen if Boston Avenue would be an entrance access only with the exit traffic onto 21st Street. In response, Mr. Johnsen answered affirmatively. Mr. Johnsen explained that if you exit onto Boston to go to 21st Street, the road rises very quickly and there are some sight-line problems. Mr. Johnsen stated that the Traffic Engineer and Mr. Eshelman encouraged his client to emphasize the 21st Street access and move it farther west. Mr. Johnsen indicated that the four townhouses will have access off of Boston, and that would be only four units.

Mr. Westervelt asked Mr. Johnsen if he could give any guidance on the actual size of the floor plates. In response, Mr. Johnsen stated that his client is working off of a floor plate of 12,750 SF and the developer has concluded that this project can be built at 178 feet high.

Mr. Westervelt stated that there are numerous interested parties signed up to speak. He requested information regarding a speaker who is speaking for more than one person. He informed the interested parties that they would have three minutes to speak and if a speaker is willing to allocate their time to someone else they will be given more time. In response, Mr. Mitchell, the protestants' attorney, stated that there is a designated roster of speakers from the neighborhood and requested that this be abided by in order to keep within the timeframe. In response, Mr. Westervelt asked that each speaker give his or her name and address for the record. Mr. Westervelt requested a copy of the roster prepared by the interested parties.

The Following Interested Parties Expressed their Opposition:

Janice Nicklas, 122 East 25th Street, Tulsa, Oklahoma 74114, Riverside Addition of Maple Ridge; **Stephen Colburn**, 142 East 26th Court, Tulsa, Oklahoma 74114; **Robert Steen Smith**, 129 East 26th Court, Tulsa, Oklahoma 74114; **June Sisson**, 2202 South Boston, Unit 134, Tulsa, Oklahoma 74114; **Sydna Porter**, 2740 Woodward Boulevard, Tulsa, Oklahoma 74114; **Carolyn Boatman**, 114 East 24th Street, Tulsa, Oklahoma 74114; **John Strong**, 2405 South Boston Place, Tulsa, Oklahoma 74114; **Bill Mitchell**, Attorney representing some of the area residents opposing PUD-639, 125 East 24th Street, Tulsa, Oklahoma 74114; **John Eager**, 2141 South Norfolk Terrace, Tulsa, Oklahoma 74114; **Madalene Witterholt**, representing the Maple Ridge Association Board of Directors, 3020 South Madison, Tulsa, Oklahoma 74114; **Paul Atkins**, 1638 East 17th Place, Tulsa, Oklahoma 74120, Swan Lake Association.

The Following concerns were expressed by the above listed Interested Parties Opposing PUD-639:

The neighborhood is made up of 140 single-family homes and an equal amount of condominium units; a petition opposing PUD-639 with 350 signatures of single-family and condominium homeowners in the immediate area, and an additional 50 signatures of Tulsans who are against this proposal, was submitted (Exhibit A-5); the historic neighborhood is currently an asset to the City of Tulsa and it needs to be protected from incompatible land use; Riverside neighborhood is stable, diverse and vital; over the past five years the property values have been making a steady climb; currently there are many remodeling and renovation projects for the homes and condominiums in the Riverside neighborhood; redevelopment is not needed in the subject area; the subject area is not run-down or in need of revitalization as the developer has lead one to believe; a 15-story building would be intruding into the neighborhood and would topple the balance; narrow streets that were laid out in the horse-and-buggy days before cars; streets are currently overloaded and not designed to handle this type of project; PUD-639 lifts the current protections the neighborhood has from undesirable and incompatible land use; PUD-639 would open to future high-rise development; current zoning does not permit a 15-story high-rise on the subject property; PUD-639 building height is unacceptable; no buffer exists between the high-rise and the existing neighborhood; the proposal violates the principles of sound urban design; no market analysis has been conducted to see if the proposal is needed in the subject area; the proposal is not keeping with the scale or character of the neighborhood; if PUD-639 is approved neighborhoods will lose confidence of protection by the Zoning Code; increased traffic close to an elementary school one block away (Lee Elementary); neighborhood children's safety issues; crime will increase; no impact study being conducted on Cincinnati traffic issues and Lee Elementary; photographs submitted (Exhibit A-1); proposal will add health problems due to the destruction and construction; PUD's do not increase home property values; the proposed location is not proper for this type of development; single-family homes will suffer in value if the proposal is granted;

Lee Elementary Principal is concerned about the safety of the children if this proposal is approved; would like to participate in control of development; streets overloaded with cars parking when visiting the proposed project; interested parties argued the ability to build a 15-story condominium according to the current zoning within the proposed PUD and whether the OM tract will abut an RS-3 property and be required to meet the setbacks; State Law 1491 was submitted and read by Ms. Boatman (Exhibit A-3); the neighborhood is trying to preserve what is already existing, which is a very careful mix of people between condominium and single-family homeowners; the existing condominiums may have some increase in value as a result of the proposed project, but the single-family homes will suffer; development could run amok and run the property values down in the subject area; the area residents and homeowners are not opposed to development in the Maple Ridge area; this proposed PUD is a dramatic and drastic change in the current underlying zoning restrictions attended to the subject property; the infill report was quoted by the interested parties; the subject area is not one of the three recognized areas for infill development; Section 1102 specifically allows the City Council to impose additional restrictions within a PUD development and the Planning Commission is allowed to make certain amendments to a PUD that has already been approved; however, Section 1102 does not allow the Planning Commission the authority to lift restrictions within a PUD; Section 1102 does not grant the City Council specific authority to lift restrictions that are currently in place; no environmental impact studies have been conducted and should be conducted before the PUD is acted upon; the Maple Ridge Association Board objects to the proposed zoning changes;

TMAPC Comments:

Mr. Boyle asked Ms. Nicklas if she believes that the tract of land currently owned by the Shriners is not in need of some improvement and redevelopment. In response, Ms. Nicklas stated that she is not opposed to change and acknowledged that the Shriners need to move. Ms. Nicklas further stated that homeowners have certain expectations for how the Shriners' property would be used. Mr. Boyle stated that he understands her expectations, but one of her statements was that the subject area does not need redevelopment. Mr. Boyle commented that looking at the subject property it is clear that it is one of the properties in Tulsa that is in need of redevelopment. Ms. Nicklas stated that this would be a domino affect and she is already hearing many arguments about the fact that there is a high-rise currently in the neighborhood. Mr. Boyle again asked Ms. Nicklas if she truly believes that the subject property does not need redevelopment. In response, Ms. Nicklas stated that the residential neighborhood of the Riverside Addition of Maple Ridge does not need redevelopment. Mr. Boyle stated that he is only talking about one tract of land, which is under application, not the redevelopment of the neighborhood. In response, Ms. Nicklas stated that something would be built on the subject property, but she is a concerned citizen making sure that the neighborhood is protected. Mr. Boyle asked Ms. Nicklas if she is saying that she doesn't mind if

something is developed on the subject property, just not the subject proposal. In response, Ms. Nicklas stated that something would eventually be developed on the subject property.

Mr. Midget informed Ms. Nicklas that the zoning does allow the proposal without a height limitation. Ms. Nicklas stated that if a developer were to use the OM tract for OM purposes it is correct that one could get a building permit. Ms. Nicklas further stated that what she is talking about is the ability to use the OM tract for residential. Ms. Nicklas read the Zoning Code, Section 604.B. Mr. Midget asked Ms. Nicklas if the proposal were for office use and 25 stories high she would have no problem. In response, Ms. Nicklas stated that there are requirements because the OM tract borders on RS-3 property and another interested party will discuss this.

Mr. Stump stated that there is no setback from the RS-3 because the subject tract does not abut RS-3 property.

Mr. Jackson stated that the neighborhood seems to be anti-residential, but admit something would be built on the subject property. Mr. Jackson asked if the neighborhood would prefer an office versus a residential use, which office use is a more intense use than residential. In response, Ms. Nicklas stated that she would let another speaker address this question.

Mr. Midget stated that he has two children who attend Lee Elementary and he is having a problem trying to understand how the proposal ties in with the school and safety issues. Mr. Midget further stated that he is having a problem that the traffic from the subject property is being associated with the school. Mr. Midget asked Mr. Colburn if he was equating the building of apartments to the increased opportunity for criminal activity. In response, Mr. Colburn stated that he understands that the proposal is planning all of the traffic exiting onto 21st Street. Mr. Colburn further stated that when the traffic goes onto 21st Street and the cars would have two decisions. If turn left, that will be problematic because of a hill. Mr. Colburn commented that he would guess that the cars would turn right to avoid the left-hand turn in the morning traffic, which would be directed toward the school crossing at Cincinnati. In response, Mr. Midget stated that the school crossing at Cincinnati and 21st Street is controlled by traffic lights and there are crossing guards on site. Mr. Colburn stated that a lot of the morning accidents occur when people have just left home. Mr. Midget stated that on the OM tract an office could be built up to 25 stories, which would be a higher use and traffic generator. Mr. Colburn stated that he couldn't imagine how a 25-story office building could be built on the small OM tract of land and still meet the requirements for parking. In response, Mr. Westervelt stated that an office building would build a parking garage to meet the parking spaces. Mr. Colburn questioned the ability to build a 25-story office building and a parking garage on the OM tract of land. Mr. Boyle stated that the garage parking could be placed in the OL portion of the property.

Mr. Colburn stated that crime is related to opportunity and opportunity is related to the number of people living in an area. He further stated that there would be more police calls, fire calls, ambulance calls, etc. He requested that the building be of a smaller unit.

Mr. Jackson stated that Mr. Colburn mentioned that the school is concerned about the proposed development; however, the Planning Commission has not received any letters of concern from the Tulsa Public Schools nor is anyone present today. In response, Mr. Colburn stated that he did speak with the school officials and they informed him that the school did not feel it was their place to come to some kind of public meeting and make a statement. Mr. Colburn further stated that he had a personal conversation with the principal and the crossing guard and both voiced concerns regarding the safety of the children. Mr. Colburn commented that he did not go to the School Board.

Mr. Midget asked Mr. Steen Smith if he could see the subject property from his home. In response, Mr. Steen Smith stated that he does not know, but if a 15-story building was built he probably could see that.

Mr. Boyle stated that the interested parties keep stating that their neighborhood does not need development. Mr. Boyle asked Ms. Porter if she believes that the subject property does not need redevelopment. In response, Ms. Porter stated that the neighborhood does not need redevelopment and the subject property could be redeveloped according to its current zoning. Ms. Porter stated that if the building is run down, then reface it and utilize it another way.

Mr. Westervelt asked staff to explain the zoning within a PUD. In response, Mr. Stump stated that the OM district is in the north half of the tract of land and it is not contiguous to nor abutting any RS district. The south half of the tract of land, which the PUD includes, is not abutting any RS-3 district. By definition height limitations are only imposed when "abutting" is defined as meaning "contiguous". In this case the subject property is separated from the RS districts by a street. Mr. Stump read Chapter 11 from the Zoning Code book regarding PUD's and building height limitations, building setbacks and minimum yards. Mr. Stump explained that Chapter 11 gives the Planning Commission the power to prescribe what the height limitations would be in a PUD, regardless of the standard zoning limitation.

Mr. Boyle asked Ms. Boatman to point out where the OM tract abuts an RS district. In response, Ms. Boatman stated that the PUD abuts an RS district. Mr. Boyle asked her if the OM tract actually abuts an RS district. In response, Ms. Boatman stated that she assumes that the developer is using the OM zoning to justify the highest height possible. Ms. Boatman further stated that she assumes the developer is moving the zoning districts within the PUD to better suit his building plan. Ms. Boatman explained that if the OM district was kept in place the applicant could not go to 15 stories. In response, Mr. Boyle stated that the

applicant could get more stories in the OM district if he wanted. Ms. Boatman stated that it would not be economically viable to build a tall, skinny building on the OM tract of land, which would happen after the setbacks are met. Mr. Stump stated that there are many high-rise buildings built at the widths of 80' to 90'. Ms. Boatman stated she would be happy if the developer did not move the OM zoning within the PUD.

Mr. Westervelt asked Mr. Strong if he is aware of what the square footage real estate prices for residential structures around Yorktown are. In response, Mr. Strong answered negatively. Mr. Strong stated that his feeling is that the properties' values in the Yorktown area, including Maple Ridge and Utica Square, have benefited because people would rather live closer to downtown rather than far away. Mr. Strong further stated that he moved to the subject area when Yorktown was built, and in 20 years since he is not aware of any significant redevelopment activity that took place in the subject area during this timeframe. Mr. Strong commented that the Yorktown project was a benefit to Utica Square, giving older people a chance to live in a condominium as opposed to a single-family home. Mr. Strong explained that he is not opposing the concept, but he does not like the idea of the subject project being in Maple Ridge. The only reason for being placed in Maple Ridge is because it is the only way the applicant can sell it. Mr. Westervelt stated that he has driven throughout the mentioned neighborhoods, he has not seen any decrease in the housing values, and they have indeed increased substantially.

Mr. Westervelt informed Mr. Mitchell that the Infill Task Force only recommended that there should be areas studied. The City's decision was to implement the study in a series of three projects that were selected after a study by the Tulsa Development Authority. Mr. Mitchell stated that according to the Infill Study, published March 21, 2000, there were three areas proposed. Mr. Mitchell stated the three areas were Brookside, the 6th and Peoria area and the Brady Arts district. Mr. Mitchell stated that the map submitted by the Infill Task Force does not show this proposed PUD. Mr. Westervelt stated that the Infill Study addresses the entire City of Tulsa and not just the three pilot programs. Mr. Westervelt indicated that the three pilot programs were not identified when the Infill Study was completed. Mr. Westervelt explained that the Infill Development Task Force was a way of looking at infill throughout all of the older sections of town, and it is not limited to three pilot program areas.

Mr. Stump stated that the three areas mentioned are the test-case areas where the Urban Development Department staff is helping the residents and the property owners to develop plans for either potential conservation districts or just ways of preserving their areas and enhancing their redevelopment. Having three test case areas didn't mean that there weren't many other areas of town where infill is appropriate. It is simply because of budgetary constraints that the three areas were selected to start and there will be many more after this if this exercise is successful. Mr. Mitchell stated that he understands the concept. Mr. Mitchell

further stated that he does not understand why all of sudden this PUD has been proposed when it has not undergone sufficient study.

Mr. Stump stated that he agrees that the Planning Commission does not have the power to impose PUD's, but their job is to hold public hearings and report the findings and the comments from the public hearing in the form of minutes to the City Council. The City Council is the only one empowered to impose PUD requirements, and that is the process the Planning Commission is in regarding this application. Mr. Mitchell stated that his point along this line is that some of the discussions and some of the questions went toward lifting underlying restrictions currently in place with this broad application of a PUD. Mr. Mitchell commented that there is a serious question as to the authority to lift those underlying restrictions with the use of a PUD.

Mr. Boyle asked Ms. Witterholt if the subject property is actually within the bounds of the Maple Ridge Association. In response, Ms. Witterholt stated that the association does consider the land south of 21st Street and east of the Arkansas River within its boundaries.

The following Interested Parties expressed their support of PUD-639:

Paul R. Smith, Jr., Chief Administrative Officer of the Akdar Shrine, representing 25,047 members of the Tulsa Shrine, 20 East 21st Street, Tulsa, Oklahoma 74114; **Michael Sager**, 2703 Riverside and 2510 South Norfolk, Tulsa, Oklahoma 74114; **Martha Cobb**, 3908 S. Evanston, Tulsa, Oklahoma 74114; **Kevin Kirby**, 2101 South Boston Avenue, Unit 4, Tulsa, Oklahoma 74114; **Marty Newman**, 1107 East 19th Street, Tulsa, Oklahoma 74114; **Tracey Norvell**, 2828 South Cincinnati, Tulsa, Oklahoma 74114; **Michael Taylor**, 25 East 22nd Street, Tulsa, Oklahoma 74114; **Peter Walter**, Realtor Broker, 2464 East 23rd Street, Tulsa, Oklahoma 74114; **Cheryl Ochs**, 619 South Detroit, Tulsa, Oklahoma 74120; **John Dorwart**, 2302 South Boston, Tulsa, Oklahoma 74114; **Robert Oliver**, no address given; **Joan Keifer** 115 East 22nd Street, Tulsa, Oklahoma 74114; **Jeff Kronk**, 3919 South Delaware Place, Tulsa, Oklahoma 74119.

The above-listed Interested Parties expressed the following supportive comments:

The Akdar Shrine has two contracts hinging on the outcome of this application; the Shrine needs to relocate to accommodate the children; there will be less traffic when the Shrine is relocated; Mr. Smith related the various activities at the Akdar Shrine throughout the week, which generates a large amount of traffic; the proposed project will not shatter the neighborhood because it does not touch the neighborhood; the proposed project is perfectly abutted by a variety of condominium projects that have been added to the landscape over numerous decades; there is adequate buffering between the proposal and the neighborhood; a local citizen is proposing this development as opposed to someone out of state seeking an investment opportunity; the proposal is the best for the subject area and it will not harm the property values in the Maple Ridge

neighborhood because it is too good a neighborhood; the proposal will return the subject area to a residence by removing the Akdar Shrine; Broadmoor Condominiums Association is 86% in favor of the proposal; the subject application will have a better streetscape than is presently in place; the proposal will not have negative impact on traffic; the subject concept is good because of its location; neighbors opposing have mentioned how much they like living in the subject area and that is with the 2300 building, which is taller than the proposal; the low buffer of multifamily is a classic urban example of perfect planning; the canopy of trees in the Maple Ridge neighborhood would prevent looking up and seeing the 15 stories; high-rise living is a wonderful way to live and creates a good community atmosphere; there is no factual basis for the fears regarding traffic; traffic will not go through the neighborhood because the streets do not go through; the proposal will not damage property values and it is a great anchor for this site and this end of the neighborhood; considering within the scope of the zoning regulations and allowable land use, First American Title and Abstract feels that the property will be developed in such a way to enhance the entire downtown community and add some desperately-needed vitality; have been concerned with the instability of the subject tract of land and look forward to the redevelopment; the Ritts home could never be rehabilitated because its condition is too bad.

Jim Norton, City Planner, Downtown Tulsa Unlimited, 1332 South Guthrie, Tulsa, Oklahoma 74119; stated that after living eight years in a neighborhood with homes on the National Register and condominiums in the neighborhood he has actually experienced property value increases. He commented that traffic would primarily use 21st Street to Riverside or to Peoria rather than winding through the neighborhood. He stated that the subject proposal is compatible with every planning document in the city and multifamily high-rise living is a textbook buffer between low-rise and subsequently single-family development. Mr. Norton requested the Planning Commission approve the subject application because it would stabilize the subject area and it would enhance the redevelopment of downtown.

Mr. Newman stated that the Planning Commission should only consider this application as merely a rough draft. He commented that the building should be parallel to 21st Street to maintain the integrity of 21st Street corridor. The three-level parking ramp with a tennis court on top is not a good special connector. The height of the high-rise is not an issue because once it is committed to building one story higher than the tree line it is really all the same. People will not be looking at the building through their sunroof, but looking from the side window. He suggested that the parking garage be placed under the building and the first 30' in height of all four perimeters are appropriate to live across the street from.

Applicant's Rebuttal:

Mr. Johnsen stated that it is disappointing to hear people criticizing the PUD process because the Planning Commission and City Council, after numerous hearings and projects of all nature, have always come back to the same conclusion that the PUD is one of the most important tools. The Planning Commission consistently encourages applicants and developers to use the PUD tool. The ordinances have been structured in a manner to encourage the PUD to be implemented. He commented that he hopes that the PUD process does not continue to be criticized like this.

TMAPC Comments:

Ms. Pace asked Mr. Johnsen why the traffic report was not made available to the interested parties. Mr. Johnsen stated that Mr. Colburn did ask for a traffic study and he did receive his business card, but after hearing from their attorney he assumed that if the attorney had the copy, then the interested parties would have it. Mr. Johnsen admitted that it was a bad assumption and if he were doing it again he would make sure that Mr. Colburn received a copy personally. He stated that he did furnish the traffic report to the spokesperson.

Mr. Westervelt asked Mr. Johnsen where he resides. In response, Mr. Johnsen stated that he does live in the subject neighborhood. Mr. Johnsen commented that the subject neighborhood is a great neighborhood with all of the homes and condominiums. Mr. Johnsen stated that the subject neighborhood would continue to be a great neighborhood with this proposal.

Ms. Pace stated that she is inclined to look favorably on this project because she is afraid of having all of those heavy use-zoned parcels being out there if they were to be utilized to the highest potential use. She commented that she shares Mr. Newman's concern regarding the design and having a friendly-looking atmosphere surrounding the streetscape for this project. She requested Mr. Johnsen to take Mr. Newman's recommendations into consideration. Ms. Pace concluded that she would be interested to see parking garage design during detail site plan review. In response, Mr. Johnsen stated that these are valid comments and Mr. Coury is committed to a first class project, in particular for the streetscape.

Mr. Westervelt stated that the garage is also one of Mr. Boyle's concerns and with both Ms. Pace and Mr. Boyle, he is confident that the streetscape will be very nice when the detail site plan review is conducted if this project is approved.

Mr. Boyle stated that he is in agreement with Ms. Pace regarding the garage and streetscape. He commented that the subject property does need redevelopment and something responsible for the city needs to be done. This project represents a responsible redevelopment of the subject property. The 2300 Riverside building is very close and being in very similar circumstances as this application.

Mr. Boyle commented that it would be grossly unfair to do anything but approve this project.

MOTION of **BOYLE**, to recommend **APPROVAL** of the PUD for PUD-639, subject to conditions as recommended by staff recommendation.

TMAPC Comments:

Mr. Harmon stated that he has heard emotional reasons for and against the subject project, as well as factual reasons, but he is persuaded it is wise land use, a good project and effective city planning.

Ms. Hill stated that she agrees with her fellow commissioners and would be concerned if the subject property were developed to its potential intense uses. She further commented that this is an appropriate proposal and the subject property does need redevelopment. She stated that she would be supporting this project.

Mr. Westervelt stated that he received a phone call from a retired City Commissioner who remembered the Yorktown zoning application. Mr. Westervelt explained that the commissioner told the interested parties, who were dissatisfied with his supportive vote, that likely they would all be living in Yorktown Tower in very short order. Mr. Westervelt stated that just as the commissioner predicted, there are people living in Yorktown Towers who were against its proposal. He commented that the proposed building is likely to be occupied by those who will contribute a half-million dollars annually to the Tulsa tax base, but yet will not be putting a strain on the school system because they are likely to be empty-nesters.

Mr. Midget stated that he is in support of this project, particularly because of what could possibly go in there. This project can serve as a strong anchor and is a good use.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of PUD-639, subject to conditions as recommended by staff and revision offered by applicant and subject to review by the TMAPC regarding the façade for the parking garage and building at the time of detail site plan approval. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-639:

Lots 1 through 12, Block 2, Riverside Drive Addition, Third Amended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East 21st Street South and South Main Street, Tulsa, Oklahoma, **From OM/OL/RM-2 (Office Medium Intensity District/Office Low Intensity District and Residential Multifamily Medium Density District) To OM/OL/RM-2/PUD (Office Medium Intensity District/Office Low Intensity District/Residential Multifamily Medium Density District/Planned Unit Development).**

Mr. Carnes, Mr. Bcyle and Mr. Midget out at 5:15 p.m.

ZONING PUBLIC HEARING

APPLICATION NO.: PUD-306-G-2

Applicant: Ted Sack

Location: 95th and South Riverside

MINOR AMENDMENT

(PD-18) (CD-2)

Staff Recommendation:

The applicant is requesting four minor amendments for Lot 1 in Block 2, of the Riverside Market plat. An allotment of square footage for each of three proposed lots to be created is submitted for consideration. An extension of time for the installation of landscaping until December 1, 2000 is requested. A black vinyl fence to screen trash and dumpsters is proposed to be used instead of the required screening fence. The approved landscaping plan for the east boundary of Development Area B required a masonry fence to be in the landscaped area abutting the College Park Second Addition. A request to omit this fence for the south 120 feet of the east boundary line is submitted.

Planned Unit Development 306 permits 34,000 square feet of office use, and 156,500 square feet of retail/commercial use. The applicant has requested that this square footage be reallocated to the three proposed lots.

Staff has reviewed the proposal and standards especially in regard to setbacks, access, height, permitted uses, parking and floor area. Staff can recommend **APPROVAL** of the allocation of floor area as requested. The following conditions need to be approved for the proposal to create three new tracts:

1. The landscaped area for each individual tract needs to meet the 10% requirement for landscaping and number and spacing of trees per the approved PUD;

2. Mutual access and cross-parking agreements need to be filed to assure proper ingress and egress;
3. Maintenance of the parking areas needs to be assured by each of the individual lot owners.

Original site plan approval will have to be voided if these conditions are not met per the original PUD approval and no lot-split approved until the landscaping areas are per the PUD.

Staff recommends **DENIAL** of the request to extend the time for installation of landscaping until December 1, 2000.

Staff recommends **DENIAL** of allowing the black vinyl fence. The Zoning Code is specific in the requirements for screening fences. The fence proposed detracts from the design and color scheme of the buildings for the project and does not meet with the specifications for screening fences.

Staff recommends **DENIAL** of the request to omit the masonry fence near the neighborhood along the east PUD boundary, as there appears to be no plan to add more landscaping to the area to make up for the loss of the screening fence. Staff is willing to recommend **APPROVAL** if the applicant demonstrates that it will not be injurious to the neighborhood to the east and demonstrate that it is not possible to install the fence over the pipeline easement area.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, Tulsa Oklahoma 74120, stated that he has support from the neighborhood to omit the masonry fence near the neighborhood along the east boundary. He explained that there are two high-pressured gas lines that cross the subject property along the east boundary.

Mr. Sack stated that the proposed black-vinyl fence is something that is new and has been used quite effectively in other locations owned by the developer. He explained that the proposed fence requires less maintenance and lasts longer than wood fencing. He indicated that the vinyl fence is only proposed for the truck dock area. He stated that his client has already installed a four-foot high fence that is accordance with the Kohl's plans and the general contractor has been advised that it is not high enough and should be six feet high.

TMAPC Comments:

Mr. Westervelt stated that he recalls that a masonry wall was to be in place and match the building. He further stated that he remembers it was to be of masonry to help with the sound control of the trucks. Mr. Stump stated that the masonry wall should be tall enough to block the view of the parked trucks (12 feet high).

Mr. Sack requested that he be allowed to extend the time to install the landscaping to December 1, 2000. He explained that Kohl's is the only store needing occupancy very shortly. The availability of good landscaping materials is lacking according to the landscaper. Mr. Sack indicated that the landscaping should be installed no later than December 1, 2000.

Interested Parties Comments:

Calvin Brusewitz, 9524 South College Court, Tulsa, Oklahoma 74137, representing the College Park II Addition, stated that the request for the segregation of land is simply an accounting function and not a PUD function. He expressed concerns that the change in the segregation may lead to changes in the use for the subject areas.

Mr. Brusewitz stated that the neighborhood is only interested in the greenbelt from the paved area on the west portion of Area B and the west fence of College Park II. These areas are torn up and the path is in disarray with mud holes.

Mr. Brusewitz indicated that the neighborhood is very concerned with the proposed black-vinyl fence. He explained that he would prefer something that would completely block the view and prefers to stay with the conditions of the PUD as it was originally written. He commented that there are lights mounted on the building that are very bright and the proposed fence would not block the light from shining into the residential homes. He stated that the neighbors are in concurrence with the reduction of 120' of the masonry fence.

TMAPC Comments:

Ms. Pace asked Mr. Brusewitz if the lights he discussed are currently in place. In response, Mr. Brusewitz stated that the lights are in place, but he is working with the developer to resolve the problem. Mr. Brusewitz explained that the lights have not been shielded at this point and the developer is trying to correct this problem.

Applicant's Rebuttal:

Mr. Sack stated that he has advised the developer about the lights and they are currently looking for shields to install on the wall-mounted lights. He indicated that should there be no shields available then the lenses would be restricted in some manner to protect the neighborhood. The developer has worked with the neighborhood and does not want to ruin their working relationship.

Mr. Sack stated that Kohl's would like to create a tax parcel and pay taxes on their property only. He explained that there are no intentions to change the PUD. He suggested a lot-split with a tie agreement with a statement that no changes to the landscaped area or access drives shall be permitted without the approval of all property owners within this Lot 1, Block 2.

TMAPC Comments:

Mr. Westervelt asked staff if Mr. Sack's proposal regarding the tie agreement statement is comfortable or would work. In response, Mr. Stump stated that this issue is something that would have to be handled by a more comprehensive amendment. Mr. Stump explained that it looks as if the applicant is required by the PUD to have ten percent landscaping in each lot and if the applicant creates three lots and some of the lots do not have ten percent landscaping, then it would not comply. Mr. Stump further explained that there are common areas along the back of the subject property that would need maintenance and he is not sure that the plat provides for each separate property owner to contribute to the maintenance of the common area. Mr. Stump stated that if the subject property was divided up into multiple lots and it was not intended to be done in the restrictive covenants, then there are problems with mutual access easements, mutual maintenance agreements and many other problems that would require in depth review.

Mr. Stump stated that staff has no problem with allocating the floor area as proposed, but as far as approving a lot-split, there would need to be more work and review. Mr. Stump informed the Planning Commission that the only request that the applicant advertised for was to allocate floor area and basically have three development areas with their own floor area allocations.

Mr. Ledford stated that the proposal would need more work to make sure that all of the PUD requirements and restrictive covenants are met. He commented that the only proposal that could be approved is the allocation of floor area.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-306-G-2 approving the allocation of floor area as requested as recommended by staff.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-306-G-2 to allow an extension of time for the installation of landscaping to December 1, 2000; subject to the condition of immediate sodding in order to prevent dust and erosion requested.

TMAPC Comments:

Mr. Ledford stated that he does not see how the Planning Commission could approve the black vinyl fence for the dock and compactor area.

Ms. Hill stated that the proposed black vinyl fence is inappropriate and she cannot support the proposal.

Mr. Sack stated that he did not remember the PUD condition that the screening wall had to be masonry. In response, Mr. Stump stated that the screening wall was approved as a masonry-screening wall looking the same as the building wall. Mr. Stump indicated that the dumpster screening was approved as a regular wood screening fence.

Ms. Pace asked if there was a specified height for the screening wall. In response, Mr. Stump stated that the masonry wall is supposed to be tall enough screen the trucks that are loading and unloading, which would probably be eleven to twelve feet at the outer end. In response, Mr. Sack stated that the docks have a rubber boot around it for sealing the trailers as they back up and with an eight-foot fence on top of the existing wall equals the top of the boots. Mr. Westervelt suggested to leave the language to satisfy the problem with the truck and assume the applicant will be diligent in making sure the truck is screened.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **DENY** the minor amendment for PUD-306-G-2 proposing a black vinyl fence for the dock and compactor area and **REQUIRE** a masonry wall at a height to screen the cab of the trucks in the loading dock as recommended by staff.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-306-G-2 to omit 120' of the masonry fence along the east boundary line, finding that the applicant has demonstrated that it will not be injurious to the neighborhood to the east and if the applicant can demonstrate that it is not possible to install the fence over the pipeline easement area as modified by the TMAPC and agreed upon by the interested parties representing College Park II Addition.

APPLICATION NO.: PUD-602-2

MINOR AMENDMENT

Applicant: Ted Sack

(PD-18) (CD-8)

Location: Northwest corner East 71st and South Garnett

Staff Recommendation:

The applicant is requesting three minor amendments for Lot 1, Block 1, of the Eastside Market plat. An allotment of square footage for each of three proposed lots to be created is submitted for consideration. An extension of time for the installation of landscaping until December 1, 2000 is requested. A black vinyl fence to screen trash and dumpsters is proposed to be used instead of the required screening fence.

Planned Unit Development 602 permits 275,000 square feet of floor area to be built. The applicant requests 235,000 square feet to be distributed for Lot 1, Block 1 of the platted tract. The remainder of the square footage allowed is split between lots 2 and 3 per the subdivision plat.

Staff has reviewed the proposal and standards especially in regard to setbacks, access, height, permitted uses, parking and floor area. Staff can recommend **APPROVAL** of the allocation of floor area as requested. The following conditions need to be approved for the proposal to create the three new tracts:

1. The landscaped area for each individual tract needs to meet the 10% requirement for landscaping and number and spacing of trees per the approved PUD;
2. Mutual access and cross-parking agreements need to be filed to assure proper ingress and egress;
3. Maintenance of the parking areas needs to be assured by each of the individual lot owners.

Original site plan approval will have to be voided if these conditions are not met per the original PUD approval and no lot-split approved until the landscaping areas are per the PUD.

Staff recommends **DENIAL** of the request to extend the time for installation of landscaping until December 1, 2000.

Staff recommends **DENIAL** of allowing the black vinyl fence. The Zoning Code is specific in the requirements for screening fences. The fence proposed detracts from the design and color scheme of the buildings for the project and does not meet with the specifications for screening fences.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, Tulsa Oklahoma 74120, stated that the main reason for the subject property being split is for a tax parcel for Kohl's. He indicated that there are no intentions to change the PUD and the requirements for everything except the landscaping is met within the PUD.

Mr. Sack stated that he would like to request a vinyl fence for screening the loading dock and compactor. He explained that there is no neighborhood behind the subject property and he would like to use the black vinyl fence all along the back for screening.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-602-2 to allocate the floor area to three sub areas of Lot 1, Block 1 as requested by the applicant, and **APPROVE** extending the time for completion of installation of landscaping to December 1, 2000, and **DENY** a black vinyl fence substituting for the required screen fence at the loading dock and compactor area as recommended by staff and modified by the TMAPC.

OTHER BUSINESS:

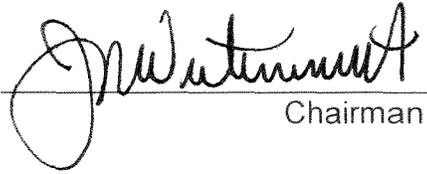
Approve TMAPC 2001 Meeting Dates

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Midget "absent") to **APPROVE** the TMAPC 2001 meeting dates as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 5:47 p.m.

Date approved: 10-18-00


Chairman

ATTEST: 
Secretary