

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2274

Wednesday, May 16, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 15, 2001 at 1:26 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of April 18, 2001, Meeting No. 2271

On **MOTION** of **BOYLE** the TMAPC voted 8-0-0 (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of April 18, 2001, Meeting No. 2271.

Minutes:

Approval of the minutes of April 25, 2001 Meeting No. 2272

On **MOTION** of **CARNES** the TMAPC voted 5-0-3 (Carnes, Harmon, Hill, Jackson, Ledford, "aye"; no "nays"; Boyle, Pace, Westervelt "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of April 25, 2001 Meeting No. 2272.

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that there are several continuances requested.

Birmingham Square Addition (PUD-649) (2093) (PD-6) (CD-9)

West of the intersection of 33rd Street and South Birmingham Avenue
(Preliminary Plat)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner, Midget, Selph "absent") to **CONTINUE** the preliminary plat for Birmingham Square Addition to May 23, 2001.

APPLICATION NO.: PUD-599-B

MAJOR AMENDMENT

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner East 61st Street and South 104th East Avenue

This application was withdrawn.

APPLICATION NO.: PUD-523-4

MINOR AMENDMENT

Applicant: Jack Ramsey

(PD-18) (CD-8)

Location: North of northeast corner of East 83rd Street and South 85th East Avenue

This application was stricken.

APPLICATION NO.: Z-6814/PUD-650

OM/OL TO CS/OM/PUD

Applicant: Charles Norman

(PD-18-B) (CD-7)

Location: Southeast side of I-44 (Skelly Drive), east and north of East 46th Street

Applicant requested a continuance to July 11, 2001.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he filed a joint request for a continuance to July 11, 2001. He explained that the Stevenson Homeowners Association and the applicant are in agreement on the request for a continuance. He indicated that there was an attempt to give informal notice to as many residents as possible regarding the request for a continuance. The purpose for the continuance is to continue discussions with the homeowners association and other interested parties in the subject neighborhood.

Mr. Midget in at 1:35 p.m.

Gary Cruz, no address given, President of the Stevenson Homeowners Association, indicated that there are no objections to the continuance.

TMAPC Comments:

Ms. Pace expressed concerns with the continued date and requested it be earlier. In response, Mr. Norman stated that the date chosen was agreed upon between the seller and the buyer of the subject property, as well as the neighborhood association. Mr. Norman indicated that two weeks would not give the applicant and interested parties enough time to discuss this issue.

Mr. Boyle stated that if there is an agreement between the residents, the seller and the buyer, then it should remain on the agreed date.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-1** (Boyle, Carnes, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Midget "abstain"; Harmon, Horner, Selph "absent") to **CONTINUE** Z-6814/PUD-650 to July 11, 2001.

Mr. Harmon in at 1:36 p.m.

Olympia Medical Park (PUD-648) (282) (PD-8) (CD-2)
Northeast corner of West 71st Street South and Highway 75
(Preliminary Plat)

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **CONTINUE** the preliminary plat to May 23, 2001.

APPLICATION NO.: CZ-282

AG TO RE

Applicant: Whit Mauzy

(PD-21) (County)

Location: North and west of northwest corner of West 211th Street and Highway 75 South

Applicant has requested a continuance.

Applicant was not present.

Interested Parties Comments:

Jim Vansickle, no address given, stated that he opposes the request for a continuance because the applicant has had 60 days to submit his PUD. He indicated that he has been advised that nothing has been done at this point to submit a PUD and the neighbors have not been contacted by the applicant.

TMAPC Comments:

Mr. Westervelt stated that the Planning Commission encourages an applicant to submit a PUD. If the Planning Commission were to act on this application today, there would be less control over the subject property than if there were a PUD application with the zoning application. Additionally, if the property is left zoned AG, then the applicant could build smaller lots with less restrictions than if there were a staff recommendation or PUD. There is no benefit to force this application being heard today because the results would be less beneficial to the neighbors.

Mr. Vansickle withdrew his objections to a continuance.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **CONTINUE** CZ-282 to July 11, 2001 as recommended by staff.

Director's Report:

Mr. Stump reported that there are several items before the City Council on Thursday, May 17, 2001.

Mr. Ledford stated that he would be abstaining from L-19216 and L-19217.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19216 - Tulsa Housing Authority

(PD-11) (CD-1)

North Country Club Drive

Staff Recommendation:

The applicant has applied to split "Tract A" and "Tract B" from "Tract E" (Tulsa Country Club). Tracts A and B will be tied to Tract D and platted into a housing addition, Hope VI. The required water and sewer service is not currently available to these tracts; however, the applicant will be platting the property upon acquiring the appropriate tracts. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(d) and (e) requiring a passing soil percolation test and water service.

Staff would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split with the condition that Tracts A, B, and D be platted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Horner, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19216, subject to condition that Tracts A, B and D be platted as recommended by staff.

L-19217 - Tulsa Housing Authority

(PD-11) (CD-1)

North Country Club Drive

Staff Recommendation:

The applicant has applied to split "Tract C" from "Tract F" (Tulsa Country Club). Tract C will be tied to Tract A, B, and D and platted into a housing addition, Hope VI. The required water and sewer service is not currently available to these tracts; however, the applicant will be platting the property upon acquiring the appropriate tracts. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(d) and (e) requiring a passing soil percolation test and water service.

Staff would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split with the condition that Tract C be platted with Tracts A, B, and D.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Horner, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19217, subject to the condition that Tract C be platted with Tracts A, B and D, as recommended by staff.

L-19223 - Jack Ramsey
8215 South 85th East Avenue

(PD-18) (CD-8)

Staff Recommendation:

The applicant has applied to split a small triangle off the side of Tract 2 and tie it to Tract 1. Both tracts meet the bulk and area requirements for the RS-3 zoning; however the proposed configuration will result with Tract 1 having more than three side lot lines. Therefore, the applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-19142 – Thomas Fees (2213)</u> 5912 East 96 th Street North	(PD-15) (County)
<u>L-19193 – Rick Oberlender (3103)</u> 1105 North Peoria	(PD-2) (CD-1)
<u>L-19210 – Daniel Bradley (2191)</u> 4002 South 137 th West Avenue	(PD-23) (County)
<u>L-19211 – White Surveying Company (294)</u> 16138 East 4 th Street	(PD-17) (CD-6)
<u>L-19212 – Ruby R. Wright (1082)</u> 2141 West 77 th Street	(PD-8) (CD-2)
<u>L-19213 – Dan Lowe (3091)</u> 16507 West 46 th Street	(PD-23) (County)
<u>L-19227 – City of Tulsa (1194)</u> 17108 East 11 th Street	(PD-17) (CD-6)

Staff Recommendation:

Mr. Beach stated that all these lot-splits are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Eastside Market II – (PUD-601) (0684) (PD 18) (CD 8)
Northeast corner East 71st Street and South Highway 169

Staff Recommendation:

This plat consists of two lots in one block on 15.83 acres. It includes part of Development Area A and all of Development Area D of PUD 601. Corridor Site Plan Z-6631-SP-1 also governs it. Permitted uses include parking, office, restaurants, convenience goods and services, retail shopping and hotel, motel and recreation uses.

The preliminary plat was approved November 17, 1999 and expired one year later. Four months after the expiration date, the draft final plat was submitted. The applicant was advised of the status and requested that it be distributed for review and release and presented to the Planning Commission for reinstatement of the preliminary plat and approval of the final plat.

All reviewing agencies have submitted their releases and the plat is in order. Based on these releases signifying approval, the fact that changes in the surrounding area have not impacted the requirements for platting this property and all conditions of preliminary plat approval have been met, staff recommends **REINSTATEMENT** of the preliminary plat and **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **APPROVE** the reinstatement of the preliminary plat and **APPROVE** the final plat for Eastside Market II as recommended by staff.

* * * * *

Mr. Midget out at 1:55 p.m.

PRELIMINARY PLAT:

WEST TULSA SERVICE CENTER (382)

(PD-8) (CD-2)

Northwest corner of the intersection of West 71st Street South and South Union Avenue

The following information was provided at the TAC meeting of 05/03/01.

GENERAL

The site sits on the north side of 71st Street, approximately ¼ mile west of Highway 75. The site is bounded on the west by the Page Belcher Golf Course, on the north by vacant land, on the east by Union Avenue and on the south by 71st Street. The subject property and the properties to the east and south are zoned CS.

The plat shows three lots, one in the southeast corner of the site with another wrapping around it on the north and west sides, with another farther to the north.

The use proposed for Lot Two of the site would be an ONG service center, providing a base for field and related administrative personnel. Site uses will include office space, parking, indoor storage for tools and supplies and area for outdoor storage of small diameter pipe. Larger diameter pipe in quantities to support emergency service may be present.

STREETS

The site is bounded on the east by Union Avenue and on the south by 71st Street south.

The site will be accessed from 71st Street and Union Avenue. Three access points are shown off of 71st Street with one of those points providing access to Lot One (SEC of site). Five access points are shown into the site from Union Avenue; one of those provides access to Lot One.

SEWER

Sewer is present in Lot Three, running east/west.

WATER

Water is present along Union Avenue.

STORM DRAIN

The plat indicates detention pond easements and Reserves A and B. Reserve B appears to be in City of Tulsa Regulatory Floodplain.

UTILITIES

Easements are shown at the perimeter and along the lot line separating Lots 2 and 3.

Staff provides the following information from TAC.

STREETS:

Somdecerrff, Traffic: West 71st street is a secondary arterial and requires only 50' of right of way on this side.

Brown, Streets: Access to the lot in the southeast corner could be reviewed when that lot was to be utilized. Staff might support a change-in-access request, depending on configuration.

SEWER:

Payne, PW: No comment.

WATER:

Holdman, PW: Stubs are present along the 16" line on the west side of Union.

STORM DRAIN:

McCormick, PW: The detention facilities as shown will provide storage for Lots 1 and 2. Detention for Lot 3 should also be shown. Water from the parking lot should be caught and piped to the detention area floodplain areas should be mapped; a reserve area should be placed over the floodplain and should extend 15' on either side of it.

FIRE:

Calkins. Fire: No comment.

UTILITIES: No comment.

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

WAIVER OF SUBDIVISION REGULATIONS:

SPECIAL CONDITIONS:

Detention facilities for water from Lot 3 should be identified. The floodplain area should be mapped with a reserve area laid over it and extending 15' on either side of the floodplain.

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 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the preliminary plat for Westside Tulsa Service Center, subject to special conditions and standard conditions as recommended by staff.

Mr. Westervelt stated he would be abstaining from the following item.

CHANGE OF ACCESS ON FINAL PLAT:

Lot 1, Block 1, Memorial 101 (2383)

10028 South Memorial Drive

Staff Recommendation:

This application is made to facilitate the location of a driveway for a QuikTrip store. It proposes to move the 40' platted access five feet east.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **7-0-1** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, "aye"; no "nays"; Westervelt "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, Memorial 101 as recommended by staff.

APPLICATION NO.: PUD-307-A

Applicant: Louis Levy

Location: West of the northwest corner of South Lewis Avenue and East 71st Street

MAJOR AMENDMENT

(PD-18) (CD-9)

Staff Recommendation:

PUD-307 was approved by the City on March 1, 1983. The approved uses were an existing community recreational and cultural facility on the southern portion of the tract and an elderly housing and extended care facility to be added to the northern portion of the tract. The existing facility contained slightly less than 44,000 SF on 12.1 acres. The elderly housing and extended care facility was approved for a maximum of 171 units on 7.9 acres.

Through minor amendments the land area for the elderly housing and extended care facility (north portion) was increased from 7.9 acres to 8.5 acres, the set back from internal development use line* was reduced from 40 feet to zero feet and the setback from the east boundary was reduced from 140 feet to 100 feet. Also by minor amendment, the minimum setback from the entire west boundary was reduced from 20 feet to 17.5 feet.

The subject tract contains 20 acres. The underlying zoning is OM. The tract is abutted on the north by apartments and vacant land, zoned RM-1; to the east by a postal center and office uses, zoned CS and OM; to the west by office uses zoned OM and OM/PUD-287; and to the south of the tract across 71st Street are hotel and apartment uses, zoned CS/PUD-282 and OM.

This major amendment proposes to add museum uses as permitted uses in the southern portion, increase the maximum floor area to 66,752 SF and allow a maximum building height of 55 feet. An additional 100 SF sign is being requested along the 71st Street frontage. The provisions of the OM district only permit one ground sign for street frontage, not to exceed 20 feet in height.

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-307-A 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.

*The development use line was established by the Camp Shalom Amended Plat.

Therefore, staff recommends **APPROVAL** of PUD-307-A 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:**

NORTHERN DEVELOPMENT AREA

(Within the area north of the Development Use Line established by the Camp Shalom Amended Plat)

Land Area:	8.52 Acres
Permitted Uses:	Elderly Housing Apartments, Extended Care Facility, Administrative Office, Dining Facilities and Accessory Uses.
Maximum Number of Units:	171
Maximum Building Height:	Six Stories
Minimum Building Setbacks:	
From the Development Use Line	0 FT
From the east boundary of the Development Area	100 FT
From the north boundary of the Development Area	80 FT
From the west boundary of the Development Area	17.5 FT
Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code.
Minimum Livability Space:	4.25 Acres
Landscaping:	All landscaping shall comply with the requirements of the Tulsa Zoning Code.
Other Bulk and Area Requirements:	As established within the OM district.

SOUTHERN DEVELOPMENT AREA

(Within the area south of the Development Use Line established by the Camp Shalom Amended Plat)

Land Area:	11.48 Acres
Permitted Uses:	Existing uses and Museum as included within Use Unit 5.

Maximum Building Floor Area:	66,752 SF	
Maximum Building Height:	60 FT	
Minimum Building Setbacks:		
From the Development Use Line	0 FT	
From the other boundaries of the Development Area		New construction shall not be nearer to the other Development Area boundaries than the existing buildings.

Parking: As required by the applicable Use Unit of the Tulsa Zoning Code.

Landscaping: A minimum of 15% of net lot area shall be landscaped and all landscaping shall comply with the requirements of the Tulsa Zoning Code.

Other Bulk and Area Requirements: As established within the OM district.

3. Signs within the PUD shall comply with the requirements of the OM district.
4. Each lot within the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements.
5. 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.
6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

7. 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.
8. 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.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
10. 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.
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. 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.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

There were no interested parties wishing to speak.

Applicant's Comments:

Louis Levy, 5314 South Yale Avenue, Suite 310, Tulsa, Oklahoma 74135, representing the Jewish Federation of Tulsa, stated that this application is for remodeling and renovation of the existing Zarrow Campus, which is located at 2121 East 71st Street. The Jewish Federation has used the subject property for approximately 25 years and this would be the second major renovation and upgrading. He estimated that the subject project would cost approximately five to six million dollars.

Mr. Levy indicated that the subject application is for a new cultural museum to be added to the existing property. Mr. Levy submitted a site plan (Exhibit A-1). Mr. Levy cited the new buildings and existing buildings designated on the site plan. He indicated that the proposed building would have windows in the front only and have copper-tone tiles on the outside. There would be four additional classrooms through the Heritage Academy, which is the day-school that is located on the subject property. The administrator's office would have additional offices and the healthcare facility would have an additional room. The developmental lines would be changed slightly and an additional survey would be submitted to staff.

Mr. Levy stated that he considers this to be a major amendment to the original 1983 PUD because of the addition of the new museum. He requested the Planning Commission to approve this application. He indicated that he agrees with staff recommendation; however, he would like to have two signs on 71st Street.

TMAPC Comments:

Mr. Westervelt asked staff if the request for an additional sign is included in the staff recommendation. In response, Mr. Stump stated that the Planning Commission is not allowed to approve a PUD that is OM with two signs and only one street frontage on the tract of land. Mr. Stump explained that this would require a variance from the Board of Adjustment.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to recommend **APPROVAL** of the major amendment for PUD-307-A, subject to conditions as recommended by staff.

Legal Description for PUD-307-A:

The East Half of the Southwest Quarter of the Southeast Quarter of Section 6, T-18-N, R-13-E, Tulsa County, State of Oklahoma, **From PUD-307 To PUD-307-A.**

* * * * *

APPLICATION NO.: Z-6819

Applicant: John W. Moody

Location: West of the southwest corner East 61st Street and South 104th East Avenue

OL TO IL

(PD-18) (CD-8)

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-599-A August 1999: All concurred in approval of a major amendment on the subject property to allow a three-story, 49,600 square foot office building and 61-room, three-story hotel.

PUD-599 February 1999: A request for a PUD to allow automobile sales, rentals and detailing on the subject property. All concurred in approval of the request subject to no retail sales and detailing of the automobiles to take place on the south 160' of the PUD. Approval was granted for outdoor advertising to be allowed by minor amendment.

Z-6655 August 1998: A request to rezone the center 143' section of the subject tract from OL to IL for light industry use was withdrawn by the applicant prior to the public hearing.

Z-6548 September 1996: A request to rezone the west 286' of the subject property from RS-3 to CH. CH zoning was denied and OL zoning was approved.

Z-6547 July 1996: A request to rezone a one-acre tract abutting the subject tract on the south and east from RS-3 to CS or IL. Staff and TMAPC recommended denial of CS and IL and recommended approval of OL zoning for a proposed daycare facility. City Council concurred in approval of OL zoning on the tract.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.5-acre tract located south of the southeast corner of South 103rd East Avenue and East 63rd Place from RS-3 to CO.

Z-5352 January 1980: All concurred in approval of a request to rezone a tract located west of the northwest corner of East 761st Street and South Mingo Valley Expressway from RS-3 to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.23 acres in size and is located in the southwest corner of East 61st Street and South 104th East Avenue. The property is gently sloping; non-wooded, contains an automobile sales business, and is zoned OL/IL/PUD-599-A.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes	Surface
East 61 st Street South	100'	4 lanes	Paved

The Major Street Plan designates East 61st Street as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 28,400 trips per day on East 61st Street west of the intersection of South Mingo Road.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north across East 61st Street by commercial and industrial businesses, zoned IL; to the east by an automobile rental and detail business, zoned IL/PUD-599-A; to the south by vacant land, zoned OL/PUD-599-A; and to the west by vacant land, also with the OL/PUD-599-A zoning, and beyond the PUD boundaries to the west is a public school, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Corridor.

According to the Zoning Matrix the requested IL **is not in** accord with the Plan Map.

STAFF RECOMMENDATION:

Based on the surrounding land uses, and existing zoning, staff recommends APPROVAL of IL zoning for Z-6819. If the IL zoning is approved, no new uses would be permitted because the use of the tract is controlled by PUD 599-A.

If the Planning Commission is inclined to approve this rezoning, staff should be directed to prepare appropriate amendments to the District 18 Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to recommend **APPROVAL** the IL zoning for Z-6819 as recommended by staff.

Legal Description for Z-6819:

Commencing at the northeast corner of Lot Five (5), Block One (1), UNION GARDENS, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S. 01° 16' 51" E. along the east boundary of said Lot 5, a distance of 336.32 feet to a point; thence N. 88° 43' 42" W. and parallel to the north line of said Lot 5, a distance of 143.25 feet to a point on the west boundary of said Lot 5; thence N. 01° 16' 51" W. along the west boundary of said Lot 5, a distance of 376.32 feet to a point on the north line of Section 6, Township

18 North, Range 14 East, Tulsa County, State of Oklahoma; thence S. 88° 43' 42" E. along the north line of said Section 6, a distance of 143.25 feet to a point; thence S. 01° 16' 51" E a distance of 40 feet to the northeast corner of said Lot 5 and the point of beginning **From OL (Office Low Intensity District) To IL (Industrial Light District).**

APPLICATION NO.: PUD-599-B

MAJOR AMENDMENT

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner East 61st Street and South 104th East Avenue

Withdrawn

Mr. Midget in at 2:00 p.m.

Staff Recommendation:

Mr. Dunlap informed the Planning Commission that the applicant would like to request that the fees be applied to a new major amendment.

TMAPC Comments:

Mr. Westervelt asked staff for their opinion regarding the fees. In response, Mr. Dunlap stated that he is not sure what the new major amendment would be. Mr. Dunlap indicated that there was considerable amount of work done on this PUD. The recommendation was written, research was done, and site visits were made. Mr. Dunlap stated that if the new major amendment is a scale-down version of the original PUD, then some fees may be appropriate, but if it is not a scale-down version then the fees should not be waived or transferred.

Mr. Westervelt stated that the taxpayers usually would like to see the applicant pay the necessary fees to help staff do their job and not cause budget problems.

Applicant's Comments:

John Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that the purchaser of the subject property had a certain size building and the financing was not available for the subject building. His client was asked to downsize his building and at that time it was decided to withdraw the PUD, then he called back and asked to amend and downsize the PUD. He explained that the PUD had been withdrawn and therefore his client is filing a very similar PUD that staff has already viewed, but would be downsized.

TMAPC Comments:

Mr. Harmon asked staff what type of fees would be involved. In response, Mr. Stump stated that the fees would be approximately \$450.00, plus advertising costs.

Mr. Boyle stated that he is unimpressed and the reasoning for transferring the fees is not compelling.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **4-5-0** (Carnes, Harmon, Jackson, Midget "aye"; Boyle, Hill, Ledford, Pace, Westervelt no "nays"; none "abstaining"; Horner, Selph "absent") to **APPROVE** reapplying the fees from PUD-599-B to a new major amendment application.

Motion failed.

* * * * *

APPLICATION NO.: Z-6820

Applicant: Orvin Pembrook

Location: Southwest corner of East 1st Street and South Rockford

RM-2 TO IL
(PD-4) (CD-4)

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18767 June 2000: The Board of Adjustment approved a variance of the required 75' setback from an R-zoned district from IL to 50' on the south boundary and 45' from the east boundary. The property is located approximately 50' west of the subject tract on the south side of East 1st Street.

Z-5905 April 1984: All concurred in approval of a request to rezone a lot located west of the southwest corner of East 1st Street and South Quincy Avenue from RM-2 to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50' x 140' in size and is located in the southwest corner of East 1st Street and South Rockford Avenue. The property is gently sloping; non-wooded; vacant and zoned RM-2.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
East 1 st Street South	65'	4 lanes
South Rockford Avenue	N/A	2 lanes

East 1st Street South is a commercial collector street and South Rockford Avenue is a minor street.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by the MLK, Jr. Expressway, zoned RS-3; on the west by an office/industrial-type use, zoned IL, and farther east by an isolated single-family residential use, zoned RM-2; on the east by the White Line, Inc./Yellow-Checker Cab Company, zoned IL; and on the south by a small neighborhood bar, zoned RM-2.

This area is one of the neighborhoods that were blanket-zoned for multifamily residential many years ago, but never experienced that type of development and redevelopment. Instead, the area appears to be in transition to industrial and related uses, as is recognized by the District Plan.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District – Industrial #1. Plan policies (section 3.1) encourage future industrial development within the planning district to locate here, the provision of adequate infrastructure to serve it, and development of internal circulation systems to accommodate industrial activities.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map, by virtue of the site's location within a Special District.

STAFF RECOMMENDATION:

Based on existing land uses, trends in the area and the Comprehensive Plan, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-6820.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to recommend **APPROVAL** the IL zoning for Z-6820 as recommended by staff.

Legal Description for Z-6820:

Lot 1, Block 14, Lynch and Forsythe Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of East 1st Street and South Rockford Avenue, Tulsa, Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To IL (Industrial Light District).**

* * * * *

APPLICATION NO.: PUD-355-C

MAJOR AMENDMENT

Applicant: R. L. Reynolds

(PD-18) (CD-8)

Location: West of the northwest corner of East 91st Street and South Yale Avenue

Staff Recommendation:

PUD-355-B was approved by the City Council in July 2000. The PUD contained 10.29 acres. Development Area A consists of approximately 3.36 acres and has frontage on Yale Avenue and 89th Street South. Development Area A has been developed as a five-story office building and has been approved for office uses and a drive-in bank facility. Development Area B is located to the west of Development Area A and has frontage on 91st Street and 89th Street. Development Area B is divided into eight lots and one reserve.

This major amendment pertains only to Development Area B. The applicant proposes to add Area C (see proposed Development Area map) to the PUD and to allow proposed Lot 8 to be developed for office uses as provided in PUD-355-B or in the alternative with office and parking as principal uses. Development Areas 2 through 9 have been platted as Lots 2 through 9 and Reserve A, Block 1, Southern Woods Park. The Development Areas in the proposed standards refer to the platted lot numbers. Development Area C is also referred to as Lot 1, Block 1, "Southern Woods Park II" which is a proposed plat.

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-355-C, 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-355-C subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Requirements of PUD-355-B as amended apply unless modified below.
3. **Development Standards:**

**DEVELOPMENT AREA 2
(Lot 2, Block 1)**

Land Area:

Gross:	1.295 Acres	56,405 SF
Net:	1.031 Acres	44,892 SF

Permitted Uses: Those uses permitted by right in the CS zoning district, excluding those uses located in Use Unit 12A of the City of Tulsa Zoning Code.

Maximum Building Floor Area: 18,000 SF with no more than 12,000 SF of this total to be Use Unit 12, 13, 14, or 19 uses.

Maximum Building Height: 50 FT; architectural elements may exceed the maximum building height with detail site plan approval.

Maximum Building Setbacks:

From the centerline of East 91 st Street South	100 FT
From the north boundary of development area	30 FT
From the east boundary of development area	0 FT
From west boundary of development area	50 FT

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code for CS-zoned property, subject to the PUD detail sign plan review, and ground signs are limited to one sign on the 91st Street frontage not to exceed 25' in height nor 200 SF in display surface area.

**DEVELOPMENT AREA 3
(Lot 3, Block 1)**

Land Area:

Gross: 0.627 Acres 27,306 SF

Net: 0.560 Acres 24,406 SF

Permitted Uses Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 9,500 SF

Maximum Building Height: 50 FT; architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From the centerline of East 91st Street South 100 FT

From the north boundary of development area 30 FT

From the east boundary of development area 50 FT

From west boundary of development area 75 FT

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

**DEVELOPMENT AREA 4
(Lot 4, Block 1)**

Land Area:

Net: 0.543 Acres 23,641 SF

Permitted Uses: Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area:	8,000 SF*
Maximum Building Height:	50 FT; architectural elements may exceed the minimum building height with detail site plan approval.
Maximum Building Setbacks:	
From north boundary of development area	5 FT**
From south boundary of development area	40 FT
From east boundary of development area	50 FT
From west boundary of development area	75 FT
Minimum Off-Street Parking:	As required by the applicable Use Unit of the City of Tulsa Zoning Code.
Landscaped Area:	A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.
Signs:	Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

*The maximum building floor area for Area 4 may be combined with the maximum building floor area for Area 5 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

**The maximum building setback from the north boundary of Area 4 will not apply if Area 4 and Area 5 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

DEVELOPMENT AREA 5
(Lot 5, Block 1)

Land Area:

Net: 0.681 29,684 SF
Acres

Permitted Uses: Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 8,100 SF*

Maximum Building Height: 50 FT; architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From north boundary of development area	75 FT
From south boundary of development area	5 FT**
From east boundary of development area	50 FT
From west boundary of development area	75 FT

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

*The maximum building floor area for Area 5 may be combined with the maximum building floor area for Area 4 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

**The maximum building setback from the north boundary of Area 5 will not apply if Area 5 and Area 4 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

DEVELOPMENT AREA 6
(Lot 6, Block 1)

Land Area:

Gross: 0.746 Acres 32,475 SF
Net: 0.665 Acres 28,961 SF

Permitted Uses: Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 10,000 SF*

Maximum Building Height: 50 FT; architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From the centerline of East 89 th Street South	100 FT
From south boundary of development area	40 FT
From east boundary of development area	5 FT**
From west boundary of development area	40 FT

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

*The maximum building floor area for Area 6 may be combined with the maximum building floor area for Area 7 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

**The maximum building setback from the north boundary of Area 6 will not apply if Area 6 and Area 7 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property, subject to the PUD detail sign plan review and subject to no ground sign within the north 75' of the development area and no wall signs on the north face of buildings.

DEVELOPMENT AREA 7
(Lot 7, Block 1)

Land Area:

Gross:	0.828 Acres	36,073 SF
Net:	0.741 Acres	32,275 SF

Permitted Uses: Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 11,750 SF*

Maximum Building Height: 50 FT; architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From the centerline of East 89 th Street South	100 FT
From south boundary of development area	40 FT
From east boundary of development area	50 FT
From west boundary of development area	5 FT**

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

*The maximum building floor area for Area 7 may be combined with the maximum building floor area for Area 6 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

**The maximum building setback from the north boundary of Area 7 will not apply if Area 7 and Area 6 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall comply with the same standards as required for Development Area 6.

DEVELOPMENT AREA 8
(Lot 8, Block 1)

Land Area:

Net:	0.494 Acres	21,525 SF
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Permitted Uses: Those uses permitted by right in the OL zoning district¹.

Maximum Building Floor Area: 9,000 SF*

Maximum Building Height: 50 FT; architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From north boundary of development area	40 FT
From south boundary of development area	40 FT
From east boundary of development area	5 FT**
From west boundary of development area	50 FT

Minimum Off-Street Parking; As required by the applicable Use Unit of the City of Tulsa Zoning Code.

¹ With minor amendment approval from TMAPC the westerly portion of Lot 8 may be used for required off-street parking for the uses on Lot 2, with remaining easterly portion of Lot 8 being used for office purposes combined with Lot 9.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

*The maximum building floor area for Area 8 may be combined with the maximum building floor area for Area 9 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

**The maximum building setback from the north boundary of Area 8 will not apply if Area 8 and Area 9 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

DEVELOPMENT AREA 9
(Lot 9, Block 1)

Land Area:

Net:	0.442 Acres	19,265 SF
Permitted Uses:	Those uses permitted by right in the OL zoning district.	
Maximum Building Floor Area:	8,000 SF*	
Maximum Building Height:	50 FT; architectural elements may exceed the minimum building height with detail site plan approval.	

*The maximum building floor area for Area 9 may be combined with the maximum building floor area for Area 8 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

Maximum Building Setbacks:

From north boundary of development area	40 FT
From south boundary of development area	40 FT
From east boundary of development area	40 FT
From west boundary of development area	5 FT**

**The maximum building setback from the north boundary of Area 9 will not apply if Area 9 and Area 8 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

Minimum Off-Street Parking: As required by the applicable Use Unit of the City of Tulsa Zoning Code.

Landscaped Area: A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

RESERVE

Permitted Uses: Landscaped Open Space and stormwater detention area.

DEVELOPMENT AREA C
(Lot 1, Block 1 "Southern Woods Park II")
(Proposed Plat)

Land Area:

Net: 0.530 Acres 23,086 SF

Permitted Uses: Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 8,800 SF

Maximum Building Height: 50 FT; architectural elements may exceed the maximum building height with detail site plan approval.

Maximum Building Setbacks:

From centerline of East 89 th Street South	100 FT
From south boundary of development area	0 FT
From east boundary of development area	0 FT
From west boundary of development area	75 FT

Minimum Off-Street Parking: As required by the applicable use unit of the City of Tulsa Zoning Code.

Landscape Area: A minimum of 15% of the net land area shall be improved by landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the detailed landscaped plan.

Signage: Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detailed sign plan review.

4. Access to PUD-355-C shall be provided by a maximum of one access point onto East 91st Street South. This access point shall serve the entire PUD. No direct access to 89th Street South is permitted within PUD-355-C. All access points shall be approved by Traffic Engineering. The PUD shall establish an internal mutual access system in which all lots are interconnected with each other, PUD-355-C and a public street.
5. A six-foot-high or higher screening wall or fence shall be provided along the west boundary of the PUD and an eight-foot-high screening wall or fence shall be provided along the north boundary of the PUD and shall be an architectural type with a minimum of 24" x 24" brick columns on 40' centers. A landscaped area of not less than ten feet in width shall be located along the west and north boundaries of the PUD, and the height of trees along this west boundary will range from eight to twelve feet and will provide visual barriers above the height of the screening wall or fence from the residential lots to the west and north.

6. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment (including building-mounted) areas shall be screened from public view by persons standing at ground level.
10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties within R district. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in an R district. No light standard nor building-mounted light shall exceed 20 feet in height and all such light standards shall be set back at least 50 feet from the west boundary of the PUD.
11. 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.
12. An association shall be created and vested with sufficient authority and financial resources to properly operate and maintain all common areas, including any stormwater detention areas, required mutual access agreements, parking or other commonly-owned structures within the PUD.
13. 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.

15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage. No bulk trash container shall be within 75' of the west or north boundaries of the PUD.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to recommend **APPROVAL** of the major amendment for PUD-355-C, subject to conditions as recommended by staff.

Legal Description for PUD-355-C:

The North 165' of the East 165' of the SW/4, SE/4, SE/4, Section 16, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less the North 25' for street and Lots 2 through 9 of Southern Woods Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located in the northwest corner of East 91st Street South and South Yale Avenue, Tulsa, Oklahoma, **From RS-3/CS/PUD-355-B and RS-3 To RS-3/CS/PUD-355-C.**

APPLICATION NO.: Z-6821/PUD-651

AG TO RS-2/OL/CS/PUD

Applicant: Randall Pickard

(PD-18) (CD-2)

Location: West of the northwest corner of East 91st Street and South Yale Avenue

Staff Recommendation for Z-6821:

RELEVANT ZONING HISTORY:

Z-6786/PUD-299-B October 2000: A request for a zoning change and a major amendment on a 4.5-acre tract located on the northeast corner of East 81st Street and South Harvard Avenue, to allow office and townhouse uses on the property and changing the underlying zoning from RS-4/PUD to RD/RM-1/PUD. All concurred in approval of the rezoning and the major amendment.

Z-6742/PUD-299-A January 2000: All concurred in approval of a request to rezone the 4.5-acre tract located on the northeast corner of East 81st Street and South Harvard Avenue, from RD/RM-1/PUD-200 to RS-4/PUD.

PUD-320-A January 1990: A request for a major amendment for PUD-320 to reduce the density of dwelling units from 119 duplex dwelling units to 78 detached dwelling units, and amend the development standards from RD to RS-2 standards was approved. The property is a sixteen-acre tract located south of the southeast corner of East 81st Street and South Delaware Avenue.

Z-5759/PUD-299 October 1982: A request to rezone the 4.5-acre tract located on the northeast corner of East 81st Street and South Harvard from RS-1 to RMO/OL/PUD. The requested RMO and OL were denied and approval was granted for RD/RM-1/PUD on the tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.18 acres in size and is located west of the southwest corner of East 81st Street and South Harvard Avenue. The property is gently sloping from northeast to southwest, partially wooded, contains a single-family dwelling and is zoned AG.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
East 81 st Street South	100'	4 lanes
South Harvard Avenue	100'	4 lanes

The Major Street Plan designates East 81st Street and South Harvard Avenue as secondary arterial streets. The City of Tulsa Traffic Counts 1998 – 1999 indicates 19,700 trips per day on East 81st Street at the South Harvard Avenue intersection.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north, south, and west by single-family dwellings, zoned RS-2 and to the east by a shopping/office center, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

According to the Zoning Matrix the requested RS-2 is in accord with the Plan Map, but the requested OL and CS zoning are not found in accordance with the Plan Map.

STAFF RECOMMENDATION:

Due to the fact the subject property is abutting a CS-zoned tract on the east, staff could support CS zoning in Development Area C, OL zoning in Development Area B and RS-2 zoning in Development Area A. Staff therefore recommends **APPROVAL** of the requested CS, OL and RS-2 zoning, if configured as set forth above and if the Planning Commission recommends approval of the accompanying PUD.

If the Planned Commission is inclined to approve this application and the accompanying PUD or some version thereof, staff should be directed to prepare appropriate amendments to the District 18 Plan, or in the alternative to amend the Zoning Matrix to include OL zoning as a "may be found" for areas designated Low Intensity-Residential.

Related Item:

Staff Recommendation For PUD-651:

The PUD proposes commercial and office uses on 3.49 acres located on the south side of East 81st Street approximately 374 feet west of South Harvard Avenue.

The subject tract is zoned AG. Concurrently, an application (Z-6821) has been filed to rezone the tract to RS-2, OL and CS. There are single-family homes to the north of the tract, across 81st Street, that are zoned RS-2. Single-family homes zoned RS-2 abut the tract on the west and the South. Commercial uses zoned CS abut the tract on the east.

The Comprehensive Plan proposes low intensity residential uses for the subject tract. The proposed PUD and plan category are not in accordance but with the modifications recommended by staff, staff feels the PUD as modified by staff would be compatible with the surrounding development. Staff does not support the requested commercial uses but the recommended standards would support single-story, low intensity office uses.

If Z-6821 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-651, as modified by staff, to be: (1) consistent with the Comprehensive Plan if amended as recommended by staff; (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-651 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): 2.78 Acres 121,219.48 SF

Permitted Uses: Use Unit 11 uses excluding drive-in bank facilities whether principal or accessory use.

Maximum Building Floor Area: 35,000 SF

Maximum Building Height: One story, not to exceed 20 feet.

Minimum Building Setbacks:

From the centerline of East 81st Street 100 FT

From the east boundary of the PUD 10 FT

From the south boundary of the PUD abutting commercial uses 10 Ft

From the south boundary of the PUD abutting residential uses 20 FT

From the west boundary of the PUD 20 FT

Signs: There shall be a maximum of one business sign per lot, which shall comply with the provisions of the OL district. Ground signs shall not exceed six feet in height. There shall be no south- or west-facing wall signs and all ground signs shall be located along the 81st Street frontage and shall not be within 100 feet of the west boundary of the PUD.

Minimum Landscaped Area: 15% of net lot area.

Access: There shall be a maximum of two access points to East 81st Street. Each lot in the PUD shall have vehicular accesses to all other lots in the PUD through the use of mutual access easements. All access shall be approved by Traffic Engineering.

Other Bulk and Area Requirements: As established within an OL district.

3. All buildings shall be of a single-family residential style architecture.

4. There shall be a six-foot high screening wall or fence along the west and south boundaries of the PUD abutting residential uses and there shall be a landscaped strip a minimum of five feet in width along the inside of the wall or fence. There shall be a landscaped strip adjacent to the 81st Street right-of-way except for approved access points, a minimum of 20 feet in width. Parking areas within the PUD shall be screened from 81st Street by berms and landscaping to a height of at least three and one-half feet.
5. 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.
6. A Detail Landscape Plan for each lot, including all berms, shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. 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.
8. 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. There shall be no outside mechanical equipment within 30 feet of a residential district outside the PUD.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties within an R district. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in an R district. No light standard nor building-mounted light shall exceed eight feet in height and no lights shall be within 50 feet of the south or west boundaries of the PUD.

10. 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.
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. 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.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

Applicant's Comments:

Randall Pickard, no address given, stated that he is in agreement with the staff recommendation in part. He explained that his client has applied for a mixed-use development. He requested 35,000 SF maximum floor area and staff is recommending 35,000 SF of floor area. The CS line that was requested is the same as shown on the case map. He proposed that the CS west boundary be extended to 81st Street, which would be Development Area A. The farthest northeast corner of the subject property be zoned CS, and under the PUD, it would allow his client to obtain intensities from that CS zoning. In addition, he is requesting approval of a site plan that would include Development Areas A and B. Development Area A is the only area for which his client has requested any commercial use and it adjoins the Shops at Harvard Park (81st Street and Harvard). He explained that his client has requested 35,000 SF maximum floor area in the whole development and in Development Area B he has requested 29,000 SF of office use be approved. The issue is whether the Planning Commission would approve 6,000 SF maximum (out of the total 35,000 SF) in Development Area A. He commented that this would be compatible because the Comprehensive Plan for District 18 shows that the west boundary of the medium intensity area at the southwest corner of 81st Street and Harvard is in fact his

client's east boundary. His client is requesting that the medium intensity area be extended due north to 81st Street. He reiterated that his client is requesting that Development Area A be allowed.

Mr. Pickard stated that the developer and the buyer have met with residents in the subject area. He indicated that there are six abutting residential lots on the south and west boundaries of the subject property. He stated that his client would amend his request to include the items of agreement that was reached through the meetings with the residents. He commented that his client does agree with the staff recommendation with the exception of the proposed Development Area A and the maximum height for the lighting. He stated that his client requested 24 feet in height for his lighting. Mr. Pickard submitted a photograph of the proposed lighting (Exhibit B-1). He commented that the proposed lighting is diffused and would not be a problem with neighboring owners.

Mr. Pickard reiterated that the proposal is compatible with the adjoining residential neighborhood that abuts. Approval of the mixed use with the 6,000 SF maximum building area for commercial at the northeast corner, which abuts the existing medium intensity commercial, would be in accordance with good planning practices and spirit of the Code.

TMAPC Comments:

Mr. Boyle stated that he is having trouble determining what the disagreement is and asked staff to clarify. In response, Mr. Stump stated that staff did not propose any commercial uses. Mr. Stump further stated that staff recommended 35,000 SF for one story office uses and the applicant is requesting two stories. Mr. Boyle asked why the applicant couldn't have CS in the CS strip of property. Mr. Stump stated that the strip of CS is approximately twice as large as the CS zoning. Mr. Stump commented that the zoning pattern makes sense, because it is a cutout of an existing CS zoning, but the Comprehensive Plan calls for it to be low-intensity residential, including the strip of CS property. Mr. Stump stated that staff felt it was a logical zoning pattern, but could not support the use being of commercial uses extended. Mr. Stump explained that the CS-involved property is only 66 feet wide and practically it could not be developed in the small strip of CS. Mr. Stump stated that staff felt that the whole area is a good transition use and protection for the neighborhood (the subject property is surrounded on three sides by single-family residential).

Mr. Boyle asked staff what the differences are between the applicant's proposal for lighting and what staff is recommending. In response, Mr. Stump stated that staff proposes twelve feet maximum height because it abuts residential and none within 50' of the south or west boundaries, which are single-family residential and not exceeding eight feet in height.

Mr. Pickard stated that he is requesting for additional 49 feet in Development Area A and that is consistent with the PUD chapter to allow it. Mr. Westervelt asked staff if they are suggesting that as long as the applicant keeps the commercial use to the right side of the line it is satisfactory. In response, Mr. Stump stated that the subject area is planned to be low-intensity residential, but it could be considered logical to extend some of the uses that are to the east of the tract into that area. Mr. Stump explained that the uses proposed are heavier commercial activities in the CS-zoned area and it is quite different from what is at the shopping center shown as an example at 101st and Yale. Mr. Stump stated that the subject tract has the feature that it is somewhat isolated and staff is biased by the fact that the Comprehensive Plan calls for it to be low-intensity residential. Mr. Stump commented that the subject tract could be isolated with surrounding office if the permitted uses were significantly lower than the proposed uses. Mr. Westervelt asked staff the proposed uses that are the problem, not the 49 feet requested.

Mr. Carnes asked what is between the Development Area A and the convenience store/service station that is located to the east. In response, Mr. Stump stated that it is all commercially zoned to the corner. Mr. Carnes asked staff if the zoning line kept commercial to the east side of the line, why it would be considered low-intensity residential, with the convenience store and commercial being located there. In response, Mr. Stump stated that currently the Comprehensive Plan states that it is low-intensity residential. Mr. Pickard stated that any approval by the Planning Commission would require some amendment to the Comprehensive Plan. Mr. Pickard explained that he is requesting that the approval be subject to the deletion of the residential part of the low-intensity, no specific land use and to amend the Comprehensive Plan to show the medium-intensity line due north.

Interested Parties Comments:

David Graves, 8121 South Florence Place, Tulsa, Oklahoma 74136, stated that the subject property has a 25-foot drop and then his house is right below the City Plex Towers. He explained that all of the stormwater runs into his yard and he is concerned about the proposal adding more problems to the drainage. He stated that he realizes that someday someone would want to develop the subject property, but his concern is more with how it is developed. He commented that one of the concerns was commercial zoning and he would definitely not want a used car lot or convenience store. He indicated that the homeowners listed specific uses that they would not like to see developed on the subject property. One of the concerns of the homeowners is that four different owners may own the lots and there would be a possibility that the lots would be developed at different times and different styles of maintenance. He requested that there be some type of mutual maintenance agreement among the owners of the four lots so there would be consistency.

Mr. Graves stated that there is some concern regarding the sanitary sewer capabilities of the subject area. If the commercial zoning is approved for Development Area A it could not be moved to anywhere else within the PUD. The other concern is that it is difficult to turn out of South Florence Place, and to have two additional curb cuts would make four curb cuts between Florence Place and Harvard. There are small children and physically challenged citizens in the subject area who walk along 81st Street to go to the convenience store.

Mr. Graves stated that he agrees with the staff recommendation regarding the light poles because he does not want lights shining into his back yard. Other concerns are the elevations and the parking lots that would be within five feet of the residents' properties. These elevations would have to be raised to meet the drainage requirements, then there would have to be retaining walls or a slope on the remaining five feet. He requested that all of the fences be a least six feet above the parking curbs.

Mr. Graves stated that he would prefer that there be a single office building centrally located with a larger greenbelt area between the residential areas and the subject proposal. He stated that he would be in agreement with the building line being 50 feet from the south side and 20 feet from the west side.

TMAPC Comments:

Mr. Westervelt stated that it appears that the residents are concerned with stormwater drainage, light standards, the uses that would be allowed in the CS-zoned area, if the CS were allowed to cross the additional 49 feet; they prefer a single-story building and additional green space between the parking lots and the residential area.

Mr. Westervelt stated that the stormwater drainage concerns would be dealt with during the platting process. Mr. Westervelt asked Mr. Graves if he had a list of uses that he is comfortable with that could be in the CS-zoned area. Mr. Graves stated that there area some definite uses the residents would want excluded: liquor store, pawnshops, billiards/pool hall, arcades and sexually oriented businesses. Mr. Graves indicated that no one thought that a used car lot would be on the subject property because of its location. Mr. Graves stated that the types of businesses that were mentioned by the applicant were like frozen yogurt shops, dry cleaners, or something with quick turnarounds.

TMAPC Comments:

Mr. Harmon asked staff if they are recommending RS-2 for the south 80 feet of the subject lot. Mr. Harmon asked Mr. Graves if the RS-2 is important to him. In response, Mr. Graves stated that it was explained to him that by putting the RS-2 in place it would restrict the applicant to how much OL could put placed on the subject property.

Mr. Boyle stated that the setbacks on the south and west side concern him. In response, Mr. Graves stated that staff is recommending 20 feet from the west and 50 feet from the south. Mr. Stump explained that the applicant has provided in his amended conditions that of the south 125 feet of development area, there would be a 50-foot setback. Mr. Stump further explained that in the south 125 feet of the subject tract (Development Area A and a portion of Development Area B), there would be a 50-foot setback from the south property line and a 50-foot building setback from the west property line. Staff agrees with this modification because it is more demanding than staff had proposed. Mr. Boyle asked if the setback is before the parking starts or the building starts. In response, Mr. Stump stated that the setback would be before the building starts. Mr. Boyle asked what the separation for parking would be. In response, Mr. Stump indicated that staff would propose five feet of separation. Mr. Boyle expressed concerns that the parking would be allowed five feet from the residences. Mr. Stump explained that the Landscape Chapter of the Tulsa Zoning Code requires at least five feet of landscaping adjacent to residential areas. Mr. Stump further explained that there would be a six-foot high screening fence on the property line and a five-foot landscaping strip. Mr. Stump stated that OL parking does not generate a lot of noise and the five feet is sufficient because the screening fence hides the parking activity.

Mr. Graves expressed concerns with the topography and the possibility of a retaining wall. Mr. Stump stated that the applicant would not be allowed to have a 45-degree slope because it could not be stabilized without a retaining wall and then the screening fence would be required to be on top of the retaining wall.

Mr. Ledford stated that the Planning Commission is not going to know what the drainage plans look like until the applicant gets further into the project. The Planning Commission could require that a grading plan and detail site plan be submitted for review by the Planning Commission.

Mr. Westervelt explained to Mr. Graves that he has left the Planning Commission with a quandary, because he wants a screening fence tall enough to keep the light out, but not too tall to appear too big. He also wants the stormwater issues resolved, but is concerned about the grading. Mr. Graves stated that he did not want the screening fence to be at six feet and the parking lot at five feet, which would allow the headlights to shoot over the fence into the residences home.

Applicant's Rebuttal:

Mr. Pickard stated that he is in agreement with the homeowners and he has submitted to staff the list of additional conditions. He commented that staff has recommended a single-story building with a residential type of construction and he does not agree with this requirement. He stated that if he were allowed the 28,000 SF of office there would be a lot of roof if it were required to be a one-story construction; however, it is allowed to be two stories there would be less impervious surface.

Mr. Carnes asked about the mutual access points running all the way across the subject property. In response, Mr. Pickard stated that there is mutual access on the four lots, but not on the fifth lot. Mr. Dunlap stated that staff recommends that each lot in the PUD shall have vehicular access to all other lots within the PUD through the use of mutual access easements.

Ray Biery, 10051 South Yale, Tulsa, Oklahoma 74137, stated that he met with the homeowners, as well as the Stormwater Management. It is difficult for the last piece of 2.78 acres to solve all of the problems and the mistakes that may be made in the future. He indicated that he does not want traffic from a retail commercial going through a professional office building and that is why he does not show access from Development Area A to Development Area B.

Mr. Biery stated that Development Area A is substantially higher than the rest of the subject property. He explained that he has met with the neighbors and agreed to move the buildings north and the residents requested that the mechanical equipment be screened. He stated that he cannot screen the equipment sitting on pitched roofs, but he can if the roof is flat. He commented that he is building professional office buildings and he is not going to build a professional office building to make it look like a residence.

Mr. Biery stated that it would be crazy to bring five to six feet of fill in the southwest corner and build it up. He indicated that he would be working with the topography that is present. He stated that the building pad may be built up, but the parking would remain basically where it is shown. He commented that the subject property is a tight site and cannot provide a lot of parkland. He stated that five feet between the parking lot and the residents with a six-foot screening fence is sufficient.

TMAPC Comments:

Mr. Carnes stated that on these types of sites two stories would eliminate one-half of the problems, as opposed to one story building. In response, Mr. Biery agreed with Mr. Carnes statement. Mr. Biery stated that it would be easier to address the stormwater issues if he is allowed to have a two-story building. Mr. Biery indicated that he reached an agreement with the neighbors that if he builds a two-story building, it would have to be 65 feet north of the south property line.

Mr. Carnes stated that with the topography he would withdraw his concerns regarding mutual access points between Development Areas A and B.

Ms. Pace stated that she has a problem with the CS portion of the subject application. She asked Mr. Biery if he would consider disregarding the CS portion if he were allowed two-story buildings. In response, Mr. Biery answered negatively.

After lengthy discussion it was determined to continue the subject application to allow staff and applicant to work out issues raised by the Planning Commission and residents.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **CONTINUE** Z-6821 and PUD-651 to May 23, 2001 at 1:30 p.m.

Mr. Carnes out at 3:10 p.m.

Mr. Midget out at 3:10 p.m.

APPLICATION NO.: PUD-587-3

Applicant: Darrel Kent

Location: 8222 South Yale Avenue

MINOR AMENDMENT

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting an amendment to allow a row of carports to be built within 80 feet from the centerline of Yale Avenue. The carports will cover approved parking areas per a previous site plan for a senior retirement center.

Staff has reviewed the location of the proposed carports and can support the approval of the minor amendment as submitted. Staff recommends **APPROVAL** of the carports per the submitted elevations and site plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-587-3 as recommended by staff.

Mr. Midget in at 3:12 p.m.

APPLICATION NO.: PUD-216-6
Applicant: Robert Price
Location: 4229 East 96th Place South

MINOR AMENDMENT
(PD-26) (CD-8)

Staff Recommendation:

The applicant is requesting a minor amendment to allow a front yard setback to be 24.9 feet, rather than the required 35 feet, because of an existing dwelling on the site. The street turnaround in front of the site was built after the dwelling on the site was constructed.

Staff has reviewed the request for a minor amendment and can recommend **APPROVAL** of the change in the front yard setback, per the submitted site plan, due to the unusual circumstances for the existing home near the street turnaround.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Selph "absent") to **APPROVE** the minor amendment for PUD-216-6 as recommended by staff.

* * * * *

Mr. Ledford stated that he would be abstaining from the following item.

APPLICATION NO.: PUD-631-1

MINOR AMENDMENT

Applicant: Mike Hughes

(PD-18) (CD-8)

Location: East of southeast corner of East 91st Street and South Harvard

Staff Recommendation:

The applicant is requesting an amendment of the maximum square footage for building from 25,000 square feet to 27,187 square feet, and a reduction to the rear and side yard (south, east and west) building setbacks from 25 feet to 17.5 feet.

The height of the structure will remain two stories, as the additional square footage for the office building will be included in a basement for incidental storage uses.

Staff can support the minor amendment as submitted and recommends **APPROVAL** of the request.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **7-0-1** (Boyle, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Horner, Selph "absent") to **APPROVE** the minor amendment for PUD-631-1 as recommended by staff.

* * * * *

Mr. Ledford stated that he would be abstaining from the following two items:

APPLICATION NO.: PUD-613

Applicant: Ronald Spencer

Location: Southeast corner of East 53rd Street and South Lewis

DETAIL SITE PLAN

(PD-18) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval for a 4,200 square foot dentist office building. The use proposed is in conformance with the approved PUD standards.

An Alternative Compliance for landscape plans was approved for this site in June of 2000. There is another request for Alternative Compliance for landscape plans on this agenda to facilitate a parking area for the dentist.

The building elevation shows a two-story structure, which will need to adhere to the 50-foot setback requirement from the east side of the PUD. The applicant proposes a 26.5' tall structure, which will have the useful two-story portion of the building behind the 50-foot setback line.

Staff has reviewed the site plan submitted and can recommend **APPROVAL** of the submitted site plan with the conditions that the second story shell be used only for non-habitable floor space behind the required 50-foot setback, and that the proposed Alternative Compliance for landscaping is approved per plan.

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

RELATED ITEM:

APPLICATION NO.: AC-057 ALTERNATIVE LANDSCAPING COMPLIANCE

Applicant: Ronald Spencer

(PD-18) (CD-9)

Location: Southeast corner of East 53rd Street and South Lewis

Staff Recommendation:

The applicant is requesting alternative compliance to Zoning Code landscaping requirements for a new dentist office. The subject site received alternative compliance approval in June of 2000 for the 53rd Street frontage 5-foot landscape strip.

The applicant wants to facilitate a concrete drive and parking space along the east side of the site for the dentist to use. This will displace some of the green space originally approved, but a sidewalk and curbing have been added near the parking space. Although a red maple tree has been moved twelve feet to the northeast, and sixteen boxwood plants have been rearranged, the number of plants are the same as previously approved and the number of trees still exceed requirements.

Alternative Compliance allows the Planning Commission to review a proposed plan and determine that, although not meeting the technical requirements of the landscape chapter in the Zoning Code, that the plan is equivalent to or better than the requirements.

Staff can agree that this particular site provides a good landscape plan and recommends **APPROVAL** of the alternative compliance per plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **7-0-1** (Boyle, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Horner, Selph "absent") to **APPROVE** the detail site plan for PUD-613 and to **APPROVE** the alternative landscaping compliance for AC-057 as recommended by staff.

* * * * *

APPLICATION NO.: PUD-601

DETAIL SITE PLAN

Applicant: Eric Sack/Ted Sack

(PD-18) (CD-8)

Location: Northeast corner of East 71st Street and South Highway 169

Staff Recommendation:

The applicant is requesting detail site plan approval for a 173,484 square foot Target Super Center. The use proposed is in conformance with the approved Planned Unit Development standards.

Staff has reviewed the proposed site plan and finds conformance to the Final Draft Eastside Market II plat and to the PUD standards for Development Area A in which it is located. Staff recommends **APPROVAL** of the detail site plan as submitted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Selph "absent") to **APPROVE** the detail site plan for PUD-601 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:15 p.m.

Date Approved:

6-6-01



Chairman

ATTEST: 

Secretary