

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2337

Wednesday, March 5, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Dunlap	Romig, Legal
Collins	Horner	Fernandez	
Coutant	Ledford	Huntsinger	
Harmon	Midget	Matthews	
Hill		Stump	
Jackson			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, March 4, 2003 at 1:28 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 Jackson called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Jackson reported that PUD-617 has been stricken from the agenda.

Mr. Jackson reported that the applicant for Z-6875 has requested a continuance to April 16, 2003.

Staff Recommendation:

Mr. Stump explained that the applicant is filing a PUD and he would like to have the zoning and the PUD on the same dates.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **CONTINUE** Z-6875 to April 16, 2003 at 1:30 p.m.

Director's Report:

Mr. Stump reported that there are no Planning Commission items on the City Council agenda.

Mr. Stump further reported that he met with the Budget Committee of the City of Tulsa last week and it appears the City will be asking INCOG to cut the budget again, which is below what has been cut this current year.

* * * * *

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19458 – David Muirhead (2890) (PD-23) (County)

4921 South 230th Place West

L-19477 – Tulsa Engineering & Planning (2003) (PD-2) (CD-3)

Southeast corner Apache and Evanston

L-19478 – Michael Kearney (894) (PD-17) (CD-6)

1152 South 120th East Avenue

L-19485 – Ferrell Properties (1392) (PD-6) (CD-9)

212 Sunset Drive

L-19486 – Red Stevenson (2872) (PD-20) (County)

16300 South 43rd East Avenue

L-19493 – W. A. Hasseberg (3623) (PD-14) (County)

13400 North 97th East Avenue

L-19495 – Sack & Associates, Inc. (2383) (PD-26) (CD-8)

9800 South Memorial Drive

L-19501 – City of Tulsa (983) (PD-18) (CD-8)

4818 East 80th Street

Staff Recommendation:

Mrs. Fernandez stated that the lot-splits are in order and staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Tulsa Teachers' Credit Union – CS, OM (3502)

Southwest corner of North Cincinnati Avenue and East Pine Street (PD-2) (CD-1)

Staff Recommendation:

This plat consists of one lot, one block on 3.3 acres. The property will be used for a new office facility.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **APPROVE** the final plat for Tulsa Teachers' Credit Union as recommended by staff.

St. Augustine Place – CS (1593)

3030 South Sheridan Road (PD-5) (CD-5)

Staff Recommendation:

This plat consists of two lots in one block on 2.53 acres. The property will be used for an existing church/school and a retail store.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **APPROVE** the final plat for St. Augustine Place as recommended by staff.

* * * * *

PRELIMINARY PLAT:

Glendale Acres - AG-R (2672)

(PD-21) (County)

North of West 171st Street South, west of South Elwood Avenue

Staff Recommendation:

Mrs. Fernandez stated that the applicant has requested a continuance to March 19, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for Glendale Acres to March 19, 2003 at 1:30 p.m.

* * * * *

PLAT WAIVERS:

CBOA- 2015- (29992)

South of West 41st Street, East of South 61st West Avenue (PD-9) (County)

Staff Recommendation:

The platting requirement was triggered by CBOA-2015 which approved a Special Exception to permit a home school facility in an RS district on October 15, 2002.

Staff provides the following information from TAC at their February 20, 2003 meeting:

ZONING:

TMAPC Staff: Background information given.

STREETS:

The County Engineer stated an additional five feet of right-of-way is needed, but this will be received during site plan review of the building permit process.

Public Works, Traffic: No Comment.

SEWER:

Public Works, Wastewater: No Comment.

WATER:

Public Works, Water: No Comment.

STORM DRAIN:

Public Works, Stormwater: No Comment.

FIRE:

Public Works, Fire: No Comment.

UTILITIES:

Franchise Utilities: No Comment.

Planning staff recommends that the property be properly platted. If the Planning Commission believes that a plat waiver is warranted in this case, staff recommends that the required right-of-way be dedicated.

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

	Yes	NO
1. Has Property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street R/W?		X

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

4. Is right-of-way dedication required to comply with major street and highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

TMAPC Comments:

Mr. Harmon asked why staff felt this property should be platted. In response, Mrs. Fernandez stated that this is an unusual use. The proposed use is for a school for home-schooled children. If a child is being home-schooled and the parents feel that they can't teach their child past a certain level, they would attend this facility that would be for home-schooled children only. Staff is considering this as a school use.

Mr. Harmon stated that he thought home-schooling was exactly what it says "teaching in the home". In response, Mrs. Fernandez stated that it is an unusual request.

Mrs. Fernandez explained that usually when there is a school or a use that is commercial in nature, staff recommends platting. This facility is new and it has everything according to TAC except the five feet of right-of-way. As a general rule, if there is a vacant piece of land and it is proposed to be developed or utilized in a higher intensity than what is present, then a plat is recommended.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **APPROVE** the plat waiver for CBOA-2015, subject to the additional five feet of right-of-way be dedicated as recommended by staff.

* * * * *

CHANGE OF ACCESS ON RECORDED PLAT:

6965 South 69th East Avenue, Lot 1, Block 2, Plaza Village

(PD-18) (CD-7)

Staff Recommendation:

This application is made to allow a change of access along South 69th East Avenue. The reason for the change in access is to avoid a large existing pecan tree. The property is zoned CS.

The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **APPROVE** the change of access on recorded plat for 6965 South 69th East Avenue, Lot 1, Block 2, Plaza Village as recommended by staff.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6882

OL to CO

Applicant: Steve Area

(PD-18) (CD-7)

Location: South of southwest corner of East 63rd Street South and South Mingo Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6725 December 1999: All concurred in approval of a request to rezone a 34.7-acre tract located on the southeast corner of East 66th Street South and South Mingo Road from CO zoning to AG for a proposed church and church-related purposes.

Z-6718 October 1999: A request to rezone a 1.18-acre tract located on the northeast corner of East 66th Street and South 101st East Avenue, from RS-3 to CO. All concurred in approval of CO zoning.

Z-6673 February 1999: All concurred in approval of a request to rezone a 4.5-acre tract located on the southeast corner of East 63rd Place and South 103rd East Avenue from RS-3 to CO.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located south of the southeast corner of East 65th Place and South 103rd East Avenue from RS-3 to CO.

Z-6345/PUD-489 May 1992: A request to rezone a 5.4-acre tract located west of the northwest corner of East 71st Street South and South 101st East Avenue from CO to CS/PUD for a shopping center development. All concurred in approval of the request.

Z-5775 January 1983: All concurred in approval of a request to rezone the subject tract from RS-3 to OL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.9 acres in size and is located south of the southeast corner East 61st Street South and South Mingo Road. The property is flat, non-wooded, vacant and zoned OL.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Mingo Road	Secondary Arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by vacant property, zoned CO; to the south by a vacant tract, zoned CO; to the east by a single-family dwelling, zoned CO; and to the west by an apartment complex, zoned RS-3/PUD-281.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

According to the Zoning Matrix the requested CO is in accord with Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and nearby existing zoning, staff can support the requested rezoning and therefore recommends **APPROVAL** of CO zoning for Z-6882.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the CO zoning for Z-6882 as recommended by staff.

Legal Description for Z-6882:

Lot 11, Block 7, Union Gardens Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southeast corner of East 61st Street and South Mingo Road, Tulsa, Oklahoma, **From OL (Office Low Intensity District) To CO (Corridor District).**

RELATED ITEM:

Application No.: Z-5903-SP-4

DETAIL CORRIDOR SITE PLAN

Applicant: Steve Area

(PD-18) (CD-7)

Location: South of southwest corner of East 63rd Street South and South Mingo Road

Staff Recommendation:

The applicant is proposing two (2) recreation fields for soccer and flag football leagues through Asbury United Methodist Church on approximately 6.18 acres located south of the southeast corner of East 63rd Street and South Mingo Road.

The subject tract is zoned OL and CO. Concurrently, an application (Z-6882) has been made to rezone the OL portion of the tract to CO. The subject tract is abutted on the north by the Miller Swim School, zoned CO and on the east and south by single-family dwellings zoned CO. There are multifamily uses to the west of the tract across South Mingo Road zoned RM-1/RS-3/PUD-281.

The applicant is proposing one ground sign not to exceed a maximum height of ten feet or a maximum display surface area of 80 square feet. Two access

points are proposed to South Mingo Road. Section 804, page 8-4 of the Corridor Chapter of the Zoning Code states the following:

In order that the traffic carrying capacity of the transportation system may be maintained, any corridor development's access shall be principally from internal collector service streets.

This Corridor Site Plan would require a variance of the access requirements from the Board of Adjustment.

If Z-682 is approved as recommended by staff and a variance of the access requirements is granted by the Board of Adjustment, staff finds the uses and intensities of development proposed, as modified by staff, to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-5903-SP-4 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 Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-5903-SP-4, subject to the following conditions:

1. There shall be 92 parking spaces provided on site and overflow parking shall be provided on the church site to the south.
2. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light down and away from residentially-zoned areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in residentially-zoned areas. No light standard nor building-mounted light shall exceed 25 feet in height. There shall be no lighting of the recreation fields after 10:30 p.m.
3. Subject to the approval of a variance from the Board of Adjustment from the access requirements of the Corridor Chapter of the Zoning Code.

Applicant's Comments:

Steve Area, 5838 South Sheridan, Tulsa, Oklahoma 74145, stated that the additional overflow parking was going to be directed to the east and not the south. The south would border the private residences. He explained the church owns the two tracts to the east and overflow parking would be located there. There would be 92 spaces on the west side of the soccer fields and overflow parking to the east side of soccer fields.

Mr. Dunlap asked Mr. Area if the east tracts abut the subject tract. In response, Mr. Area answered affirmatively. Mr. Dunlap suggested that this item be continued for re-advertising to include the piece of property on the east side. Mr. Dunlap explained that staff is stating that at a minimum, 92 parking spaces on the subject tract are required and the existing church tract to the south could handle the overflow parking.

Mr. Stump explained that since the subject area is zoned Corridor, the applicant couldn't establish the overflow parking spaces on the tract to the east because there is no corridor site plan for that use. It should have been included in this corridor site plan.

Mr. Area stated that he did allow for the 92 spaces to the west and has met the requirement. In response, Mr. Stump explained that before overflow parking would be allowed on the two eastern tracts, the church would have to come back with a new corridor site plan. In response, Mr. Area stated that he understood.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the detail corridor site plan subject to the following: There shall be 92 parking spaces provided on site and overflow parking shall be provided on the church site to the south; lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light down and away from residentially-zoned areas; shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in residentially-zoned areas; no light standard nor building-mounted light shall exceed 25 feet in height; there shall be no lighting of the recreation fields after 10:30 p.m., and subject to the approval of a variance from the Board of Adjustment from the access requirements of the Corridor Chapter of the Zoning Code as recommended by staff.

Legal Description for Z-5903-SP-4:

Lots 10, 11, and 12, Block 7, Union Gardens Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southeast corner of East 61st Street and South Mingo Road, Tulsa, Oklahoma.

* * * * *

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

Application No.: Z-6883

OM to CS

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

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

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-639 October 2000: All concurred in approval, subject to conditions, a request for a Planned Unit Development on a 2.4-acre tract, which included the subject property, located between East 21st Street and East 22nd Street, South Main Street and South Boston Avenue, for the development of a 74-unit multifamily/townhouse, multi-story development with accessory parking.

BOA-18689 March 2000: The Board of Adjustment approved a special exception to allow outdoor tents and activities on property located on the southwest corner of East 22nd Street and South Main Street (Harwelden) for four separate weeks for five years. The Board of Adjustment had previously approved this special exception in 1998 and 1999 for one-year periods each.

Z-6183 January 1988: All concurred in approval of a request to rezone two lots located on the northeast corner of East 22nd Street and South Main Street and the southwest corner of the subject tract, from RS-2 to OL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 131.1' x 147.5' in size and is located at the southeast corner of East 21st Street South and South Main Street. The property is flat, non-wooded, vacant and zoned OM/PUD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 21 st Street South	Urban Arterial	70'	4 lanes
South Main Street	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the west by office use, zoned OM and OH; to the southwest by a cultural center (The Arts and Humanities Council of Tulsa and the Tulsa Chapter of the American Institute of

Architects), zoned RS-3; to the south by condominiums, zoned RM-2; to the east by apartments and a duplex, zoned RM-2; and to the north by a public park, restaurant and offices, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS is in accord with the Plan.

STAFF RECOMMENDATION:

If the accompanying PUD 639-A or some variation of it is deemed acceptable, staff can support the requested rezoning and recommends **APPROVAL** of Z-6883.

RELATED ITEM:

Application No.: PUD-639-A

PUD-639 to PUD-639-A

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

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

Staff Recommendation:

PUD-639 was approved by the City Council in October, 2000. A 74-unit townhouse and high-rise multifamily development was approved on 2.58 acres located at the southeast corner of East 21st Street and South Main. The proposed high-rise multifamily building could be up to 15 stories tall.

This major amendment (PUD-639-A) is proposing a mixed uses development containing single-family detached dwellings, condominium dwellings and office and retail space.

The site is 2.58 acres (net) located at the southeast corner of East 21st Street South and South Main Street. The north/south dimension of the site is 295 feet and the east/west dimension is 381 feet. The site is an assemblage of three parcels comprising the block bounded on the north by East 21st Street South, on the east by South Boston Avenue, on the south by East 22nd Street South and on the west by South Main Street. The north half of the block, previously containing the Akdar Shrine Temple, is presently zoned OM, Office Medium Intensity. The east 150 feet of the south half of the block, previously containing a single-family residence, is zoned RM-2, Residential Multifamily. The west 231 feet of the south half of the block, previously containing a single-family residence is zoned OL, Office Low Intensity.

The surrounding neighborhood is diverse and includes office, single-family and multifamily uses at various intensities which include the former Jaycees National Headquarters and Harwelden to the west, the Broadmoor Condominiums to the east, the Woodward Terrace Condominiums to the immediate south, and the 2300 Riverside Tower approximately 425 feet to the south. To the north is Veteran's Park.

The PUD is planned to include, within the approximate south half of the site, an area of detached single-family dwellings on small lots, facing 22nd Street. Within the northwest quadrant of the site facing 21st Street, there is proposed a four-story building containing condominium residences. The building will also include ground floor retail/restaurant uses. Within the northeast quadrant of the site facing 21st Street, there is proposed a four-story office building that will include penthouse condominium residences.

The proposed office and residential uses and the intensity of those uses are permitted by the underlying zoning districts. The proposed retail space would require an amendment of the existing underlying zoning to include an area of CS, Commercial Shopping zoning. Concurrently, with the filing of this PUD application, a rezoning application (Z-6883) was filed requesting the rezoning of the north 147 feet of the west 131 feet of the property from OM, Office Medium, to CS, Commercial Shopping.

If Z-6883 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-639-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.

Therefore, staff recommends **APPROVAL** of PUD-639-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:

TRACT 1

Net Land Area:

1.10 Acres

Permitted Principal Uses:

Single-family dwellings as included within Use Unit 6.

Maximum Number of Dwelling Units:	10
Minimum Lot Area:	4600 SF
Minimum Lot Width:	37 FT
Maximum Building Height:	35 FT
Minimum Yards*:	
From centerline of 22 nd Street	40 FT
From centerline of Main	40 FT
From centerline of Boston	40 FT
From north boundary of Tract 1	18 FT
From interior side lot line	
One side lot line	5 FT
Other side of lot line	0 FT
Minimum Livability Space Per Lot:	200 SF

Other Bulk and Area Requirements:

As provided within an RM-2 District.

Off-Street Parking:

Within each lot, two spaces shall be provided. Alley accessing off-street parking shall be minimum of 18 feet in width for one-way and 20 feet for two-way.

TRACT 2

Net Land Area: 1.48 Acres

Permitted Principal Uses:

Multifamily uses as included within Use Unit 8; office and retail uses as included within Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments Other Than Drive-Ins;

Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services.

Maximum Number Dwelling Units: 12

*Screening walls not exceeding six feet in height may be located along the property lines adjoining public streets.

Maximum Building Floor Area Office/Retail:

Office	24,850 SF
Office/Retail	10,900 SF

Maximum Building Height:

5 stories, not to exceed 66 FT

Minimum Building Setbacks:

From centerline of 21 st Street	40 FT
From centerline of Main	40 FT
From centerline of Boston	40 FT
From south boundary of Tract 2	
Principal Building	30 FT
Parking Garage	0 FT

Minimum Livability Space Per Unit: 200 FT

Other Bulk and Area Requirements:

As required by the applicable use unit.

Off-Street Parking:

As required by the applicable use unit.

Minimum Landscaped Open Space:

15% of net area*

*May be located within the first and second levels. All landscaped areas must meet the requirements of the Landscape Chapter and PUD Chapter of the Zoning Code.

Signs:

Wall signs shall be permitted on the north- and west-facing walls not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the frontage of the building. No wall signs shall be permitted on south- and east-facing walls. Ground signs are not permitted.

3. 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 for lots within Tract 2 and submitted and approved by TMAPC staff for lots within Tract 1.
4. A detail landscape plan for each lot within Tract 2 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.
5. 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.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building-mounted within Tract 2, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. Lighting used to illuminate Tract 2 shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed eight feet in height.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, alleys and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. Within Tract 2 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:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Paul Coury, stated that the subject property was previously approved as a PUD for a 15-story high-rise condominium project that was to be known as "Portofino". He explained that his client has acquired properties to the west of the subject tract, which is the Jaycees' building and an application was brought to the Board of Adjustment, because of the underlying zoning, that would permit a condominium project. Mr. Coury's concept was to develop a smaller-scale project that would implement what is referred to as a "Smart Growth © concept". The subject property is currently zoned OM/OL and RM-2. This would permit the office and multifamily uses that are proposed, but in addition to those uses, his client is proposing that a small area of ground-floor retail would be appropriate within the building that would house the condominium units, which is the westernmost building. In addition to the PUD, a zoning application was filed for CS on the northwest of the subject property. This would generate approximately underlying zoning for 7,000 SF of retail. Mr. Johnsen described the proposed buildings and their uses.

Mr. Johnsen indicated that his client is in agreement with the staff recommendation. He stated that Mr. Coury met with most of the interested parties to discuss the revised plans.

TMAPC Comments:

Mr. Harmon asked Mr. Johnsen if he was in agreement with everything in the staff recommendation. In response, Mr. Johnsen answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of OL/RM-2/OM/CS/PUD zoning for Z-6883 as recommended by staff.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-639-A per staff recommendation.

Legal Description for Z-6883:

Lot 6 and 7, Block 2, Riverside Drive Addition Third Amended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East 21st Street and South Main, Tulsa, Oklahoma, **From OM/PUD (Office Medium Intensity District/Planned Unit Development) To CS/PUD (Commercial Shopping Center District/Planned Unit Development).**

Legal Description for PUD-639-A:

Lot One (1) through Lot Twelve (12), Block 2, Riverside Drive Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East 21st Street and South Main, Tulsa, Oklahoma, **From OL/RM-2/OM/PUD-639 (Office Low Intensity District/Residential Multifamily Medium Density District/Office Medium Intensity District/Planned Unit Development [PUD-639]) To OL/RM-2/OM/CS/PUD-639-A (Office Low Intensity District/Residential Multifamily Medium Density District/Office Medium Intensity District/Commercial Shopping Center District/Planned Unit Development [PUD-639-A]).**

* * * * *

Application No.: Z-6884

CS to CH

Applicant: Shazad Ahmad

(PD-4) (CD-4)

Location: South of southeast corner of East Admiral Place and South Knoxville Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-17878 November 1997: The Board of Adjustment approved a special exception to allow automobile sales and repair and a variance to allow open-air storage and display of merchandise for sale within 300 of an R-zoned district. The property is located on the southwest corner of East Admiral Place and South Louisville Avenue and abutting the subject tract on the northeast.

BOA-17522 September 1996: The Board of Adjustment approved a special exception to allow a church and related uses on property located on the southeast corner of East Admiral Place and South Indianapolis Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100' x 125' in size and is located south of the southeast corner of East Admiral Place and South Knoxville Avenue. The property is sloping, non- wooded, contains a car lot for inoperable automobiles and is zoned CS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Admiral Place	Urban Arterial	70'	4 lanes
South Knoxville Avenue	Residential (dead end two lots to the south).	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by an automobile parts and repair business, zoned CH; to the east by a barber shop and parking lot, zoned CS; to the northeast, by a liquor store, zoned CH; to the west by single-family dwellings, zoned RM-2, to the southwest by an automobile parking or storage lot, zoned CS; and to the south by single-family uses, zoned CS. The area is a remnant of a neighborhood that was separated from the larger single-family neighborhood to the south by the Crosstown Expressway many years ago.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 3 – Crosstown Corridor, Medium Intensity-No Specific Land Use. Provisions of the District Plan call for development and redevelopment here to be in accord with the corridor zoning provisions of the Zoning Code.

According to the Zoning Matrix the requested CH **may be found** in accord with the Plan due to its location within a Special District.

STAFF RECOMMENDATION:

Based on the adjacent single-family residential uses to the south and west, staff cannot support the requested CH zoning and therefore recommends **DENIAL** of CH zoning for Z-6884.

TMAPC Comments:

Mr. Harmon asked what CH zoning would allow the applicant to do that CS doesn't. In response, Ms. Matthews stated that there are no setbacks and no building height limitations.

Mr. Harmon asked if the proposal is to store automobiles on the subject property. In response, Ms. Matthews answered affirmatively.

Mr. Harmon asked if the applicant could store vehicles with CS zoning. In response, Ms. Matthews answered negatively.

Mr. Stump stated that the subject area does have pressures to transition, with commercial completely to the expressway and east and west of the property. CH is a high intensity use and the subject area is currently zoned for medium intensity uses. If the applicant is proposing to store wrecked vehicles up to 60 days, then it is a Use Unit 26, which would not be allowed in CS zoning. Storage of vehicles and similar activities are Use Unit 17 and could be requested by a special exception in the current zoning of CS. Staff believes that CH zoning is excessive and it is contrary to the Comprehensive Plan.

Ms. Matthews stated that the two streets that access the subject property are insufficient to handle traffic that is generated by CH zoning. This proposal is totally inappropriate, especially facing two single-family residential properties to the west and to the south.

In response to Mr. Westervelt, Mr. Stump stated that the Board of Adjustment could place conditions that might soften the effects of commercial use on the residents across the street, but still allow certain uses to occur. Mr. Westervelt asked if the special condition could be conditioned to this one particular user and the time which they occupy the subject property. In response, Mr. Stump answered affirmatively. Mr. Stump explained that if the applicant would like to store wrecked vehicles from the highway, then it would not be allowed in CS zoning by right or special exception. If the applicant wishes to park cars, then parking is already allowed and staff is not certain of the nature of operation. If this is an automobile sales lot, then it is allowed by special exception and that is the route staff feels this applicant should go.

Applicant's Comments:

Shazad Ahmad stated that the subject property is a six-foot deep lot from Knoxville Avenue, which comes from the Admiral Place level. He explained that he would like to park vehicles on the subject property and some are wrecked. The wrecked vehicles are parked on the subject tract until the body shop is able to repair them.

Mr. Ahmad described the surrounding properties. He commented that the subject property is flood-zoned property and he would like to level it out with gravel, concrete or blacktop so that he can park the cars on it.

TMAPC Comments:

Mr. Jackson asked Mr. Ahmad if he had a car lot. In response, Mr. Ahmad stated that he owns a car lot on the front of the subject property.

Mr. Jackson asked Mr. Ahmad if he understood that the staff is recommending not to approve the CH zoning because it the intensity is too high, but he could go to the Board of Adjustment and request a special exception for the CS in order to have what he needs.

Mr. Ahmad stated that he spoke with the City Inspector and was advised to apply for CH zoning.

Mr. Stump asked if some of the cars parked on the subject property were inoperable. In response, Mr. Ahmad stated that he is a wholesaler and there are some cars that do not work, and he parks them until he has time to get them repaired.

Mr. Stump stated that City Inspectors know that parking is permitted in the CS district, but the problem is that the cars are not operable. The applicant is basically storing inoperable cars on the subject property and it is not allowed by special exception in the CS zone, either.

Mr. Ahmad stated that when he changed the zoning to CS, he was told he could build the building, but the property is so deep to build the building, it would take 20 to 30 gravel trucks to level it.

Interested Parties:

James Jackson, 19 South Knoxville Avenue, Tulsa, Oklahoma 74112, stated that the cars being parked on the subject property have created an eyesore. He suggested that the owner install a privacy fence on the south side of his property. He requested that the cars be covered or something in order to take care of the mosquito problem in that area.

Mr. Harmon asked Mr. Jackson where he lived in relation to the subject property. In response, Mr. Jackson stated that he lives south of the subject property and his home abuts the property. In response to Mr. Harmon, Mr. Jackson stated that he has lived in his home approximately eight years.

TMAPC Comments:

Mr. Carnes stated that he agrees with the staff recommendation to deny this application. It does not help the older parts of town by allowing CH zoning.

Mr. Westervelt asked Mr. Carnes to include that the application fees be refunded and applied to a Board of Adjustment application. He commented that he believes the applicant had some confusion on what he needed to do.

Mr. Stump stated that he objects to the refunding of the fees. He explained that the use the applicant wants to make of the property requires this higher intensity zoning and a special exception would not get him where he needs to be. He was properly before the Planning Commission, and this was his only vehicle to get the intensity he needed. This could set a precedent that if an application is turned down, then the applicant would expect their money back.

Mr. Westervelt stated that he did not intend this to be precedent-setting, but from time to time, the Planning Commission does choose to apply the fees to the Board of Adjustment applications.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-1-0** (Carnes, Collins, Coutant, Harmon, Jackson, Westervelt "aye"; Hill "nay"; none "abstaining"; Bayles, Horner, Ledford, Midget "absent") to recommend **DENIAL** of CH zoning for Z-6884 as recommended by staff and apply the zoning fees to a Board of Adjustment application if the applicant chooses to apply.

* * * * *

Application No.: PUD-390-B

MAJOR AMENDMENT

Applicant: Ted Sack

(PD-18) (CD-7)

Location: East of northeast corner of East 61st Street South and South 89th East Avenue

Staff Recommendation:

The applicant is requesting a major amendment of the standards for Development Area B of PUD-390-A to allow barber and beauty shop uses and to amend the development standards of the development area.

Development Area B of PUD-390-A contains 50,000 SF (net) and is located east of the northeast corner of East 61st Street and South 89th East Avenue. The permitted uses for Development Area B are those uses included within Use Unit 11, excluding drive-in bank facilities and funeral home uses. The maximum building height is one story. The applicant is proposing to add as permitted uses barber and beauty shops as included within Use Unit 13, and to increase the maximum building height from one story to two stories.

The subject tract is abutted on the north by single-family dwellings zoned RS-3; on the east by townhouses zoned RT and on the west by Development Area A of PUD-390-A which contains a one-story bank building including a drive-in facility. To the south of the tract, across East 61st Street, is vacant property zoned RM-1/PUD-397 which has been approved for uses permitted by right in an OL district, excluding funeral homes and drive-in banks.

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-390-B, 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-390-B 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): 50,000 SF

Permitted Uses:

Barber and Beauty Shop only as included within Use Unit 13 and those uses included within Use Unit 11, excluding drive-in bank facilities and funeral home uses.

Maximum Building Floor Area: 15,000 SF

Maximum Building Height:

Two stories, not to exceed ~~25~~ 35 FT*

Minimum Building Setbacks:

From the centerline of East 61st Street South 100 FT

From the west boundary of PUD-390-B 5 FT

From the north boundary of PUD-390-B 75 FT

From the east boundary of PUD-390-B 50 FT

Minimum Off-Street Parking:

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

Minimum Landscaped Area:

15% of the net lot area.

Signs:

As permitted in an OL district, but there shall be no north- or east-facing wall signs.

Other Bulk and Area Requirements:

As established within an OL district.

*No second-story window shall face north or east and any dormer windows shall be located on the south side. The building shall have a pitched roof.

3. The north sides of the buildings shall be architecturally compatible in treatment and materials with other building facades.
4. Each lot in PUD-390-B shall have vehicular access to all other lots in PUD-390-B and also within PUD-390-A through uses of mutual access easements. All access shall be approved by Traffic Engineering.
5. Landscaping and screening within PUD-390-B shall meet or exceed the requirements of the Tulsa Zoning Code. There shall be a six-foot high or higher masonry wall of similar materials as the screening wall on the north boundary of PUD-390-A constructed and maintained along the north and east boundaries of PUD-390-B. There shall be a landscaped strip a minimum of ten feet in width along the north boundary and 20 feet in width along the east boundary of PUD-390-B.
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. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
10. 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 trash, mechanical or equipment areas within the north 25 feet of PUD-390-B.
11. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. Light standards in the north 50 feet and the east 50 feet of PUD-390-B shall not exceed eight feet in height. No light standard nor building-mounted light shall exceed twelve feet in height.
12. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
13. No building permit shall be issued until the requirements of Section 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Harmon stated that he has no problem with the use and he likes the six-foot masonry wall, but he felt it should be limited to a single-story building with a pitched roof. In order to be compatible with the buildings in the subject area, including the new bank, a single-story/pitched-roof building would fit better. He commented that he wouldn't mind it being 35 feet in height as long as it was a pitched roof.

Mr. Carnes indicated that he agrees with Mr. Harmon.

Applicant's Comments:

Eric Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the elevation is for a one-story structure that is 25 feet in height with a flat roof. Thinking about an allowance for a two-story structure 25 feet in height would be difficult to do.

Mr. Dunlap asked Mr. Sack if there was anything in the second story. In response, Mr. Sack stated that it is not a second story but a large atrium area.

Mr. Dunlap asked Mr. Sack if he wanted a two-story structure. In response, Mr. Sack stated that currently they do not want a two-story structure, but would like to allow for it within the design development standards. The proposal is for a beauty salon that is a one-story structure and 25 feet in height.

TMAPC Comments:

Mr. Harmon stated that a pitched roof would fit the area better than a flat roof. He commented that the proposed building is attractive, but it doesn't fit the subject area.

Mr. Westervelt asked if the applicant would like a continuance in order to discuss this with his client.

Mr. Sack suggested leaving the proposal a two-story building with a requirement to have a pitched roof and increasing the height to allow for a two-story structure with a pitched roof.

Mr. Harmon asked Mr. Sack if he thought his client would want a two-story building because he did not present a two-story building today. In response, Mr. Sack stated that the site plan presented to staff had a possibility for some expansion in the back and he doesn't know what is proposed for that area (north of the salon).

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-390-B, as recommended by staff, and subject to the following modifications: a maximum height of 35 feet, a pitched roof, no windows on the north and east and any dormers would strictly be limited to the south-facing side of the building.

Legal Description for PUD-390-B:

Lot 2, Block 1, Superior Federal Bank – East 61st Street Branch Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof, and located on the northeast corner of East 61st Street South and South 89th East Avenue, Tulsa, Oklahoma, **From OL/PUD-390-A (Office Low Intensity District/Planned Unit Development) To OL/PUD-390-B (Office Low Intensity District/Planned Unit Development [PUD-390-B]).**

* * * * *

OTHER BUSINESS:

Application No.: PUD-668

DETAIL SITE AND LANSCAPE PLANS

Applicant: Eric Sack

(PD-17) (CD-6)

Location: Southeast corner of East 11th Street South and South 137th East Avenue

Staff Recommendation:

The applicant is requesting approval of a detail site and landscape plan for an existing concrete batch plant for which construction of screening walls, landscaping and parking improvements are proposed. The existing uses are permitted by PUD-668 Development Standards.

Parking requirements for the existing, constructed uses within Development Areas 'A', 'B' and 'C' total 25 spaces. Total parking proposed is 55 spaces. The parking area for the entire site is located in Development Area 'B'. Per the Landscape Chapter of the Zoning Code, five trees are required for the parking area. The landscape plan proposes 16 trees. Streetyard area for Development Area 'B' and the number of trees proposed for that Streetyard exceed minimum requirements per the Zoning Code (nine required, 14 proposed). Landscaping for Development Area 'B' per PUD-668 Development Standards must also be in substantial compliance with the concepts depicted in Exhibit 'C-1' (attached) of the original PUD application. The landscape plan proposes five shade trees (Shumard Oaks) and nine ornamental trees (Oklahoma Redbuds) in the street

yard, Exhibit 'C-1' denotes eleven shade trees and an evergreen in the street yard. As there is a discrepancy between Zoning Code requirements and development standards per Exhibit 'C-1' regarding number of trees required, staff suggest a compromise of replacing two of the Oklahoma Redbuds with Shumard Oaks, so as to retain compliance with the Zoning Code (in terms of number of trees required) and be in closer compliance with the concepts depicted in Exhibit 'C-1'. In addition, irrigation notes per the landscape plan do not specify that Development Area 'B' is included in the area to be irrigated.

Landscaping for Development Area 'A', per PUD-668 Development Standards, must be in substantial compliance with Exhibit 'C-1' (attached). Exhibit 'C-1' denotes **ten shade trees**, evergreen shrubs and perennial flowers. The landscape plan for Development Area 'A' proposes four shade trees (Shumard Oaks), six ornamental trees (Oklahoma Redbuds) and a mix of shrubs, ground cover and perennials. Therefore, the landscape plan is not in substantial compliance with Exhibit 'C-1', as required by the development standards, and the effect is inadequate visual coverage of the frontage. Because of the potential for future widening of 11th Street frontage, staff suggests a compromise that would provide for more visual coverage than is currently proposed by adding two more shade trees while retaining the number of redbuds (six) proposed, six Shumard Oaks and six Oklahoma Redbuds.

Per development standards for Development Area 'A' and Board of Adjustment approval (BOA-19504), a ten-foot high pre-cast masonry/concrete wall is proposed 35 feet from centerline of 11th Street South (15' within the planned R/W of 11th Street South). Per the site plan, the proposed wall is accompanied by a note referencing an agreement between the City of Tulsa and APAC regarding dedication of right-of-way and future removal of the wall. The proposed agreement is also attached. The pre-cast masonry wall is proposed to be located north along the east boundary of Development Area 'A' and north along the west boundary of Development Area 'A', as required by development standards. Per the site plan, access points to Development Area 'A' will be gated by ten-foot high sight proof solid wood gates affixed to metal framing per PUD development standards. In addition to the pre-cast masonry wall and gates, ten-foot high concrete block walls with an exterior-finished surface are proposed along the west boundary of Development Areas 'A' and 'C' in accordance with PUD-668 Development Standards.

Staff recommends **APPROVAL** of PUD-668 detail site and landscape plans on condition that (1) two of the Oklahoma Redbud trees denoted in the landscape plan in the street yard of Development Area 'B' be replaced with two Shumard Oak trees; (2) verification of irrigation method for Development Area 'B' landscape plan is provided and is in accordance with Zoning Code requirements; and (3) add two more Shumard Oak trees to the landscaped area in Development Area 'A'.

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

TMAPC Comments:

Mr. Westervelt stated that he remembered that there was some sensitivity in making sure the landscaping was adequate, but also to make sure that the landscaping did not hinder the drivers' ability to see pedestrians or other vehicles. Mr. Westervelt further stated that he wanted to make sure that there weren't less landscaping materials than contemplated.

Mr. Stump stated that the concept plan indicated nine shade trees along the ten-foot wall in front of the concrete batch plant itself. The applicant is proposing several shrubs in the same area as the trees, and staff is recommending that they plant five shade trees (30-foot centers) and then keep the extra six Oklahoma Red Buds, which would equal eleven trees. The six shade trees would need the space to mature. All of the ground plantings and the two additional trees would be a reasonable substitute for nine shade trees, which would be too close together after they mature.

Mr. Stump indicated that the irrigation does apply to Area A and Area B and the applicant is providing it per the Zoning Code.

Mr. Westervelt asked if staff is satisfied that the eastern side, between the parking lot, the channel that runs through and the adjacent residential use, is as substantial and adequately screened as contemplated within the PUD. In response, Mr. Stump answered affirmatively.

Mr. Stump explained that there are two screening walls along the east side into Area B, which are offset from each other. The beginning of the second wall is off-set and doesn't overlap but is a small amount and there shouldn't be any resonating effect between the two walls.

Applicant's Comments:

Eric Sack, 111 South Elgin, Tulsa, Oklahoma 74120, said that the offset walls are designated and there is an Austrian Pine at the end of the eastern wall to soften the offset. This is consistent with the PUD Exhibit C-1.

Mr. Westervelt stated that he would prefer to see an addition of two trees at the end of the eastern wall (evergreens) in order to effectively mitigate any sound or avoid anyone seeing into the operation.

Mr. Sack stated that he would be happy to add two more trees at the end of the eastern wall.

Interested Parties:

James Mautino, board member of Tower Heights Neighborhood Association, 14628 East 12th Street, Tulsa, Oklahoma 74108, stated that the association does have some concerns regarding the materials the screening wall would be made of and what type of finish it would. He expressed concerns regarding safety if the 2,000 pound stones were dry stacked. He explained that a truck could knock the blocks over and crush a child who may be playing by the wall.

Mr. Mautino expressed concerns regarding the trees being planted between the road and fence, which could obstruct the truck drivers' view when pulling onto 11th Street. Mr. Mautino submitted photographs (Exhibit A-1).

Applicant's Rebuttal:

Mr. Sack stated that the blocks on the west wall would be the 2' x 2' x 6' blocks that are constructed from the excess concrete that comes back to the plant. The blocks are dry-stacked, but they are keyed together and sit on a foundation.

TMAPC Comments:

Mr. Carnes asked Mr. Sack if the block wall would be considerably stronger than the typical masonry wall fence because there is a two-foot base and they are keyed in. In response, Mr. Sack stated that he is not a structural engineer, but he would agree that it would be stronger than a concrete wall.

Mr. Harmon asked Mr. Sack how much the blocks would weigh. In response, Mr. Sack stated that he believes that Mr. Mautino is correct that they weigh 2,000 pounds or more. In response, Mr. Harmon stated that the blocks would be hard to move around, even with a large truck.

Mr. Westervelt asked about the length of the west wall and whether it would be stucco or textured. In response, Mr. Sack stated that the original PUD exhibit indicates a screening wall stopping at the north limit of the storage bins along the west boundary. The Planning Commission decided to extend that screening wall all the way north to the northwest corner of Development Area C. The plan has to take the pre-cast concrete wall up to the storage bins, increase the storage bin wall height to ten feet and then all the way north to the northwest limit. It is a requirement that stucco be applied to the block walls and colored to match the pre-cast concrete walls. Mr. Stump stated that all of the submittals from the applicant meet this standard.

Mr. Jackson asked Mr. Stump to clarify what trees would be planted. In response, Mr. Stump stated that staff is recommending five oak trees and six Oklahoma Red Buds. The site is tight, but as they plant near the wall and trim the lower limbs when the large trees start growing, he doesn't believe there would be any obstruction of view. There would be approximately 23 feet in the drive and the driver in the front of the truck should be able to see the road.

Mr. Westervelt asked about the block walls. In response, Mr. Stump stated that the applicant has a specific note that it would have stucco applied to the exterior face to conceal the concrete blocks and the block joints and color to match the pre-cast concrete walls. There would be a single-stack block wall on a foundation. This is on the submittal and it was required by the PUD.

Mr. Westervelt re-recognized Mr. Mautino.

Mr. Mautino stated that the answers have not alleviated his concerns for safety regarding the dry stacking 2,000 pound blocks and stuccoing the outside. He commented that the cement trucks would be parking along the wall and could knock it over.

Mr. Harmon stated that a traditional masonry wall would topple much quicker than the proposed blocks. There is no way to build a screening wall that couldn't be crashed with a truck loaded with concrete. The blocks are keyed together and it would be difficult to move the 2,000 pound blocks. The blocks literally reinforce themselves.

Mr. Mautino stated that there would be over 300 feet of wall and is concerned about it falling over if a truck backs up into it.

Mr. Jackson stated that the blocks are not stacked on top of each other. They are offset and pinned together. Mr. Mautino stated that children will be playing on the other side of the wall and could be injured.

Mr. Westervelt asked Mr. Stump what is immediately west of the subject wall. Mr. Stump stated that the zoning next door is commercial and light office until past the location where this wall would be constructed. Mr. Stump commented that if the west wall was made of the pre-cast panels like the ones in front, then a truck could probably, as easily, knock one of those down if backed into and then a huge panel comes down ten feet high and flattens whatever is on the other side. Mr. Stump asked what the alternative would be for a screening wall.

Mr. Sack stated that he would be submitting plans to construct these walls to Development Services where they would be reviewed. There will be structural engineering to go along with the plans.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Horner, Ledford, Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-668 as recommended by staff and subject to the following: additionally planting materials at the edge of the off-set walls, changes of landscaping by staff (11 trees), and with the clarification of the distance of the wall and the composition, keying and with a structural engineer review.

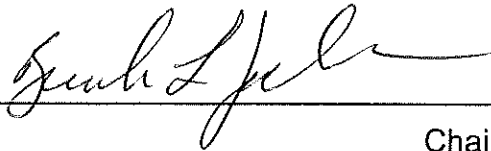
COMMISSIONERS' COMMENTS:

Ms. Hill stated that on item number twelve (Z-6884) she supported staff on the denial, but disagreed with the refund.

There being no further business, the Chair declared the meeting adjourned at 2:55 p.m.

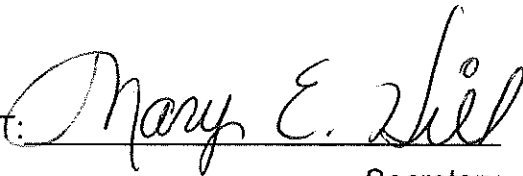
Date Approved:

3.19.03



Chairman

ATTEST:



Secretary