

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2355

Wednesday, September 3, 2003, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, September 2, 2003 at 8:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Harmon called the meeting to order at 1:35 p.m.

REPORTS:

Director's Report:

Mr. Stump stated that there are two subdivisions at the City Council meeting September 4, 2003. Staff will not be attending the meeting.

SUBDIVISIONS:

FINAL PLAT:

The Tudors – 639 A (1392)

(PD-7) (CD-9)

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

STAFF RECOMMENDATION:

This plat consists of 11 lots in one block on 2.58 acres.

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 **HORNER** TMAPC voted 6-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the final plat for The Tudors as recommended by staff.

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

PRELIMINARY PLAT:

Cornerstone Baptist Church – (2813) (PD-15) (County)
East 76th Street North and North Yale Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 30 acres. A sketch plat on the site was reviewed by the TAC on July 3, 2003.

The following issues were discussed August 21, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE and AG.
2. **Streets:** Reference the existing 100 feet of right-of-way of East 76th Street North. Label right-of-way dedication on North Yale Avenue. There needs to be a Limit-of-No-Access required for the north 253 feet of North Yale Avenue. A waiver of the 30-foot corner radius is needed.
3. **Sewer:** There is no sewer service available at this time. A sewer line will need to be extended up Yale Avenue per City of Tulsa approval.
4. **Water:** Washington Rural Water District #3 will serve drinking water. A Tulsa water line will need to be extended for fire protection.

5. **Storm Drainage:** Reserve B appears to be situated on top of power easements. Reserve A needs bearings around boundaries. Use standard stormwater detention maintenance language in covenants.
6. **Utilities:** PSO and GRDA appear to have existing lines in some of the proposed reserve and easement areas. The easements need to be clarified as to whether there are utilities or reserve areas on the plat.
7. **Other:** Fire lines and notes need to be taken off the face of the plat.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. A waiver of the 30-foot corner radius is needed.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

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 Engineer 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 topography 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 County Engineer.
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 method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)

20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the preliminary plat and waiver of Subdivision Regulations of the 30-foot corner radius for Cornerstone Baptist Church, subject to special conditions and standard conditions as recommended by staff.

* * * * *

Utica Place – (9318)

(PD-6) (CD-9)

Southeast corner of South Utica Avenue and East 22nd
Place South

STAFF RECOMMENDATION:

This plat consists of 17 lots, one block, on 4.4 acres.

The following issues were discussed August 21, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-680 and the PUD conditions must be put in the covenants and followed. Residential and office uses are planned.
2. **Streets:** The number of acres on the plat needs to match the legal description. Topography lines need to be shown. A waiver of the 25-foot radius should be granted due to the excess right-of-way. The Limits-of-No-Access described in the covenants are not shown on the face of the plat.
3. **Sewer:** The rehab of the existing line to the east must be completed before a work order will be issued for the project. Verify the ten-foot horizontal separation between water and sewer. Ductile iron pipe is required for both.
4. **Water:** Fire hydrant placements need equal separation. Meters need to be placed in a grassy area, right-of-way, utility easement and Reserve A.
5. **Storm Drainage:** The callouts should match in the plat and covenants. Reserve language is needed in the covenants. The stormwater detention easement should be placed in a reserve when the maintenance responsibility falls to multiple lot owners. The easement cannot overlap nor be overlapped by other easements.
6. **Utilities:** No comment.
7. **Other:** N/A

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. A waiver to the 25-foot radius is necessary.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

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 Engineer 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 topography 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 County Engineer.
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 method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the preliminary plat and waiver of Subdivision Regulations of the 25-foot radius for Utica Place, subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

BOA 19593 – (837)

(PD-8) (CD-2)

1440 East 71st Street

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA 19593 which granted a Special Exception for a car wash in a CS district.

Staff provides the following information from TAC at their August 21, 2003 meeting:

ZONING:

TMAPC staff: The lot-split record will need to be researched to assure that the site is not on an illegal lot, with inadequate frontage.

STREETS:

A Limits of No Access Document will be required.

SEWER:

A main line extension and easement will be required.

WATER:

No comment.

STORM DRAIN:

Fees in lieu of detention will be required. Run-off needs to be collected on-site and piped to the adjacent public system.

FIRE:

N/A

UTILITIES:

N/A

Staff must resolve several issues before the TMAPC meeting and will have a recommendation at the meeting.

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 X |
| | ii. Is an internal system required? | X |
| | iii. Are additional easements required? | X 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 X |
| | iv. Are additional easements required? | X 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. | |

- 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.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

*This may be required.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the plat waiver for BOA-19593 per staff recommendation. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

CHANGE OF ACCESS ON RECORDED PLAT:

Metro Park, lot one, block one, and lot two, block four (PD-18-C) (CD-6)
(3294)

5402 South 129th East Avenue

STAFF RECOMMENDATION:

The application is made to allow changes of access along 129th East Avenue in the Metro Park Addition. The property is zoned IL and CS.

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the change of access on recorded plat for Metro Park per staff recommendation.

* * * * *

ZONING PUBLIC HEARING

Application No.: PUD-375-B

MAJOR AMENDMENT

Applicant: Charles Norman

(PD-8) (CD-2)

Location: North side of West 61st Street and West of South Union

STAFF RECOMMENDATION:

Riverfield Country Day School is located on the north side of West 61st Street, approximately one-half mile west of South Union Avenue.

In 1998, the school owned a tract containing approximately 32.2 acres with 300 feet of frontage on West 61st Street. The existing school buildings are located on approximately eleven acres platted as Riverfield Country Day School, Plat No. 4815.

The property owned by Riverfield was originally a part of PUD-375, approved in 1984 and originally containing 112 acres, including the northwest corner of West 61st Street and South Union Avenue. The approval of PUD-375-A reduced the property within PUD-375 to 79.8 acres.

Since 1988, Riverfield has acquired an additional 48 acres within PUD-375 and a ten-acre tract on the north side of West 61st Street, immediately west of the existing school campus, and now owns approximately 90 acres.

The purposes of PUD-375-B are as follows:

1. To combine PUD-375-A with PUD-375-B;
2. To transfer 48 acres now owned by Riverfield from PUD-375 to PUD-375-B;

3. To add the ten-acre tract on the west as a part of PUD-375-B;
4. To divide the Riverfield property consisting of approximately 90 gross acres into Development Areas A, B and C; and
5. To establish permitted uses and development standards for each of the three development areas.

The transfer of the additional land acquired by Riverfield Country Day School from PUD-375 will leave intact the commercial and office use areas approved in PUD-375, except that the 10.3-acre garden office area shown on the development plan for PUD-375 is reduced from 10.8 acres to 7.7 acres. Approximately 1.4 acres in the southeast corner of the 22-acre multifamily development area will remain in PUD-375.

Development Area A is planned as the school campus according to the current development program.

Development Area B has severe topographical changes and is planned for outdoor recreation and educational uses or duplex or single-family, or townhouse dwelling units with the density established by the RS-3 zoning district.

Development Area C is located partially within the existing RM-1 zoning district and the garden office development area of PUD-375. The number of dwelling units and proposed office use floor area are established by the multifamily density approved in PUD-375. Riverfield proposes that Development Area C may be used for private school use by minor amendment to PUD-375-B.

The Riverfield Country Day School existing campus and proposed development areas are shown on Exhibit A, development area map. The concept illustration for the development of the school campus is shown on Exhibit B, concept illustration.

The property topography, existing and proposed utilities and concept drainage plan are shown on Exhibit C, topography, existing and proposed utilities and drainage.

Existing and area zoning is shown on Exhibit D.

An aerial photograph is shown on Exhibit E.

The development area plan for PUD-375 is included as exhibit F.

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-375-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-375-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:

DEVELOPMENT AREA A

Land Area (Gross): 32.28 Acres 1,406,289 SF

Permitted Uses:

Private school offering a compulsory school curriculum for preschool, elementary, middle and high school students, gymnasium, playing fields, children's museum, indoor and outdoor children's exhibits, residences for headmaster, administrators and caretakers and facilities customarily accessory to a school.

Maximum Building Floor Areas:

School buildings	120,000 SF
Gymnasium	40,000 SF
Children's museum	20,000 SF
Residences	
Headmaster	5,000 SF
Administrators (2)	4,000 SF
Caretaker	1,500 SF

Maximum Building Height: 45 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of West 61st Street 150 FT

From internal boundaries of the PUD 5 FT

From external boundaries of the PUD 50 FT

Minimum Landscaped Area:

20% of net lot area.

Signs:

One ground school identification sign shall be permitted at the principal West 61st Street entrance, which shall not exceed 12 feet in height, or 48 square feet of display surface area.

Identification and directional signage shall be permitted at other entrances from West 61st Street, not to exceed six feet in height or 24 square feet of display surface area.

Lighting:

Lighting other than athletic field 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. No light standard nor building-mounted light other than the athletic field lighting shall exceed 16 feet in height.

All lighting shall be directed inward and downward into the development area. Light standard heights for athletic fields shall be established at detail site plan review.

Screening:

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.

DEVELOPMENT AREA B

Land Area (Gross): 37.38 Acres 1,628,369 SF

Permitted Uses:

- A. Private school outdoor recreation and educational uses, including nature preserves, hiking trails and picnic areas; additional private school uses may be permitted by minor amendment.
- B. Single-family, duplex, fourplexes and townhouse dwellings.

Maximum Number of Dwelling Units: 93

Maximum Building Height: 35 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Bulk and Area Requirements for Residential Uses:

Single-family dwellings shall comply with the provisions of the RS-3 district.

Duplexes and fourplexes shall comply with the provisions of the RD district.

Townhouse dwelling units shall comply with the provisions of the RT district.

DEVELOPMENT AREA C

Land Area (Gross): 20.36 Acres 886,911 SF

Permitted Uses:

- A. Those uses included within Use Unit 8, Multifamily Dwellings and similar uses.
- B. Those uses included within Use Unit 11, Offices, Studios and Support Services.
- C. Private school use may be permitted by minor amendment.

Maximum Number of Dwelling Units Per Acre: 24

Maximum Office Building Floor Area Ratio: .20

Maximum Building Height:

Multifamily 45 FT

Office One story

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of West 61st Street 85 FT

From the north boundary of Development Area C 25 FT

From the east boundary of Development Area C 25 FT

From the west boundary of Development Area C 10 FT

Minimum Livability Space Per Dwelling Unit: 600 SF

Minimum Landscaped Area:

Office Uses 15% of net lot area

Signs:

Multifamily Use: One ground sign shall be permitted on the West 61st Street frontage, not exceeding 30 square feet of display surface area and 12 feet in height.

Office Use: As permitted in the OL district.

3. No zoning clearance permit shall be issued for a lot within non-residential areas of the PUD until a detail site plan for the lot, which includes all buildings, parking screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each non-residential 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.
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. 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.
8. In residential areas a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
9. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.

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. 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 and shipping containers shall not be used for storage in the PUD.
16. There shall be no development in the regulatory floodplain.
17. 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 and shipping containers shall not be used for storage in the PUD.

NOTE: Comments from August 21, 2003 TAC Meeting:

PUD-375-B, north side of West 61st Street, West of South Union Avenue.

Water – No comments.

Stormwater – The floodplain, plus an additional 20 feet above the 100-year water surface elevation on both boundaries of the floodplain, must be placed in an overland drainage easement. Detention of additional runoff will be required. Any work done in the Mooser Creek FEMA floodway and/or floodplain will require federal permits and map revisions, prior to proposed work.

Wastewater – Any tracts which can be sold separately must have sewer service available.

Transportation – No comment.

Traffic – North/south collector street may be required in Area C due to RM zoning.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, cited the history of the subject property and the current development. Mr. Norman described the proposal and various development areas. He explained that Development Area B is extremely rough and it would be used in the immediate future for outdoor activities for the school. He concluded that the recommendations of the staff are acceptable to his client and request approval per staff recommendation.

Mr. Norman reminded the Planning Commission that the detail site plan for individual structures would be brought back to the Planning Commission for approval.

INTERESTED PARTIES:

Alyn Alsobrook, 5715 South Yukon Avenue, Tulsa, Oklahoma 74107, stated that when he purchased his home ten years ago, there were no offices being built and he does not want an office next to his home. He expressed concerns with traffic cutting through his neighborhood.

Inaudible.

Mr. Dunlap informed Mr. Alsobrook that office use is allowed today under the existing PUD. Mr. Dunlap cited the different uses allowed in the development areas and explained that they currently exist under the PUD.

Mr. Alsobrook stated that there are no offices located near his house at this time.

TMAPC COMMENTS:

Mr. Westervelt explained that there is currently more intense office, commercial and multifamily zoning on the subject property. Today's application is for predominately school use and there will be less intense zoning than what is allowed currently. In response, Mr. Alsobrook stated that when he purchased his home it was all residential and he was unaware of any office uses being allowed. He would prefer it remain residential.

Mr. Midget explained to Mr. Alsobrook that office use is an existing use, and regardless of any action taken today, if someone wanted to build offices they could. Mr. Midget stated that he doesn't want Mr. Alsobrook to leave today thinking that offices could never be built on the subject property near his home, because that use has already been approved. He further stated that the new proposal would be better because it is less office use than is currently allowed.

Mr. Stump stated that staff doesn't anticipate any access from office or multifamily development into the Woodview Heights subdivision, but it might be wise to state it as part of the conditions for Area C, which would allow multifamily or offices. He suggested stating that no access would be allowed into Woodview Heights by any office or multifamily uses. However, if single-family homes are built in Area C then they would be allowed to connect the stub streets to Woodview Heights.

Mr. Westervelt asked if school uses should have access into Woodview Heights. In response, Mr. Stump stated that school use should not be allowed access into the subdivision except for emergencies.

Ms. Bayles asked if there would be a concern about fire and safety by closing the access. In response, Mr. Stump stated that the tract is very large and staff assumes that there would be multiple ingress and egress once it is developed.

Mr. Harmon stated that the terrain is extremely steep on the west side of Woodview Heights and it would not be a convenient place to build a road.

Mr. Alsobrook stated that he doesn't understand the existing and proposed change in zoning. He thought that everything was zoned residentially in the subject area.

Mr. Westervelt stated that there is an approved PUD, which is an overlay zoning that encompasses the zoned land underneath. The PUD in place allows other uses to occur with the underlying zoning as long as certain conditions are met. This is still a PUD and the proposal would limit the access and prevent access through the neighborhood unless it is developed as single-family. The proposal is more protective of the existing neighborhood and he hopes it will be an expanded school use.

Applicant's Rebuttal:

Mr. Norman stated that the existing PUD was approved in 1984 and it included commercial, offices, multifamily and single-family. The underlying zoning brings multifamily zoning up to Mr. Alsobrook's immediate neighborhood. Mr. Norman requested that the new limits regarding access would be no access other than an emergency access.

Mr. Westervelt asked Mr. Norman if he wanted a crash gate for emergency use only. In response, Mr. Norman answered affirmatively. Mr. Westervelt asked Mr. Norman if he would agree to limit the access in Development Areas B and C if it were for multifamily or office-type uses and if he would agree with expanding this to school use other than emergency access. In response, Mr. Norman agreed to no access into the residential subdivision from Areas B and C except to allow emergency access due to the school use.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to recommend **APPROVAL** of the major amendment for PUD-375-B, per staff recommendation and as modified by the TMAPC that Tracts B and C shall not be allowed access to the two stub streets in Woodview Heights if developed as multifamily, office or school uses except for emergency access that shall be a fixed crash gate. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for PUD-375-B:

A PART OF THE SE/4 OF SECTION 34, T-19-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, DESCRIBED AS FOLLOWS, BY METES AND BOUNDS AS FOLLOWS, TO-WIT: BEGINNING AT THE SE CORNER OF THE SE/4 OF SECTION 34, SAID POINT BEING THE CENTERLINE INTERSECTION OF SOUTH UNION AVENUE AND WEST 61ST STREET SOUTH; THENCE N 89°56'77" W ALONG THE SOUTH LINE OF THE SE/4 OF SECTION 34 A DISTANCE OF 2,644.99' TO THE SW CORNER OF THE SE/4 OF SECTION 34; THENCE N 0°01'10" W ALONG THE WEST LINE OF THE SE/4 OF SECTION 34, A DISTANCE OF 2,647.64' TO THE NW CORNER OF THE SE/4 OF SECTION 34; THENCE S 89°56'00" E ALONG THE NORTH LINE OF THE SE/4 OF SECTION 34, A DISTANCE OF 1,445.89' TO A POINT, SAID POINT BEING THE NW CORNER OF LOT 1, BLOCK 1, WOODVIEW HEIGHTS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DUE SOUTH ALONG THE WEST LINE OF BLOCK 1, WOODVIEW HEIGHTS, A DISTANCE OF 175.70' TO A POINT SAID POINT BEING 30.00' EAST OF THE NW CORNER OF LOT 1, BLOCK 2, WOODVIEW HEIGHTS; THENCE DUE WEST A DISTANCE OF 30.00' TO THE NW CORNER OF LOT 1, BLOCK 2, WOODVIEW HEIGHTS, THENCE DUE SOUTH ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 425.00'; THENCE DUE WEST A DISTANCE OF 68.00'; THENCE S 80°00'00" W A DISTANCE OF 130.52'; THENCE S 56°00'00" W A DISTANCE OF 231.32'; THENCE DUE SOUTH A DISTANCE OF 66.00'; THENCE S 34°00'00" E A DISTANCE OF 250.00' TO THE SOUTHERLY MOST SW CORNER OF LOT 22, BLOCK 2, WOODVIEW HEIGHTS; THENCE S 56°00'00" W A DISTANCE OF 37.00'; THENCE S 34°00'00" E A DISTANCE OF 50.00'; THENCE N 56°00'00" E A DISTANCE OF 20.00'; THENCE S 34°00'00" E A DISTANCE OF 130.00'; THENCE S 56°00'00" W A DISTANCE OF 125.00'; THENCE S 34°00'00" E A DISTANCE OF 118.64'; THENCE S 15°00'00" E A DISTANCE OF 84.53'; THENCE N 75°00'00" E A DISTANCE OF 87.76'; THENCE S 15°00'00" E A DISTANCE OF 50.00'; THENCE N 75°00'00" E A DISTANCE OF 10.00'; THENCE S 15°00'00" E A DISTANCE OF 125.00' TO A POINT, SAID POINT BEING THE SW CORNER OF LOT 1, BLOCK 6, WOODVIEW HEIGHTS; THENCE N 75°00'00" E ALONG THE SOUTH LINE OF BLOCK 6, WOODVIEW HEIGHTS, A DISTANCE OF 230.49'; THENCE DUE EAST ALONG THE

SOUTH LINE OF BLOCK 6, WOODVIEW HEIGHTS, A DISTANCE OF 1,045.00' TO A POINT ON THE EAST LINE OF THE SE/4 OF SECTION 34; THENCE DUE SOUTH ALONG THE EAST LINE OF THE SE/4 OF SECTION 34, A DISTANCE OF 1,130.00' TO THE POINT OF BEGINNING AND CONTAINING 4,909,312.19 SQUARE FEET OR 112.702 ACRES, MORE OR LESS, AND SUBJECT TO STREET RIGHT OF WAY AS SHOWN ON SURVEY, AND THE SE/4 OF THE SE/4 OF THE SW/4 OF SECTION 34, T-19-N, R-12-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE US GOVERNMENT SURVEY THEREOF, and located north and west of the northwest corner of West 61st Street South and South Union Avenue, Tulsa, Oklahoma, **From RM-1/RS-3/AG/PUD-375 & PUD-375-A (Residential Multifamily Low Density District/Residential Single-family High Density District/Agriculture District/Planned Unit Development) To RM-1/RS-3/AG/PUD-375-B (Residential Multifamily Low Density District/Residential Single-family High Density District/Agriculture District/Planned Unit Development).**

Application No.: Z-6908/PUD-691 **RS-2 to OL/PUD**

Applicant: Roy Johnsen (PD-18) (CD-2)

Location: South of southeast corner of 71st Street and South Riverside

STAFF RECOMMENDATION FOR Z-6908:

PUD-545 December 1997: The TMAPC and City Council unanimously approved abandonment of PUD 545 and maintaining underlying zoning of CS, PK and RS-2 on a former Food Lion property south and east of the southeast corner of East 71st Street and Riverside Drive.

PUD-357-B June 1986: The TMAPC denied a major amendment request to shift the CS boundary south within the PUD and to develop a mini storage facility on the undeveloped portion of the site.

PUD-357-A December 1984: The TMAPC and City Commission approved a minor amendment to PUD-357 to increase the allowable commercial density within the development.

PUD-357 May 1984: The TMAPC and City Commission approved a proposal for a commercial/office complex (CS and OL) on 8.5 acres south and east of the southeast corner of East 71st Street and South Quincy Avenue. This PUD combines, and thereby voids, the earlier PUDs #279 and #305.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.81 acres in size and is located south of the southeast corner of East 71st Street and South Riverside Drive. The property is flat, partially wooded, has one single-family dwelling and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 71 st Street South	Primary arterial	120'	4 lanes
South Riverside Drive	Parkway	varies	4 lanes

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

SURROUNDING AREA: The site is abutted on the north by a bank and office building with associated parking, zoned PK and CS; on the south by vacant land and a single-family dwelling, zoned RS-2; on the west by Riverside Drive, zoned RM-2 and OMH; and on the east by single-family residential uses, commercial and office uses, zoned PUD-357-A.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-No Specific land use, Special District 5-Arkansas River Corridor. Policies in the District 18 Plan (section 3.1.5) call for the preservation and protection of natural features here and the use of the PUD, among other things.

According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the District Plan Map by virtue of its location in a Special District.

STAFF RECOMMENDATION:

Based on adjacent uses, trends in the area and the Comprehensive Plan, staff can support the requested rezoning and therefore recommends **APPROVAL** of OL zoning for Z-6908, subject to recommendation for approval by the TMAPC of PUD 691, or some variation thereof.

RELATED PUD:

STAFF RECOMMENDATION PUD-691:

The PUD proposes office uses on approximately 1.81 acres (net) located on the east side of South Riverside Parkway at approximately 73rd Street. The tract is rectangular in shape and has 166.50 feet of frontage on Riverside Parkway and extends east a distance of 490 feet to Quincy Avenue.

The subject tract is zoned RS-2. Concurrently, an application (Z-6908) has been made to rezone the tract to OL. The tract is abutted on the north by office and bank uses zoned CS and PK; on the south by a single-family dwelling zoned RS-2 and south of that is a tract on which the Board of Adjustment (BOA-19563) granted a special exception to permit a three-story congregate care retirement facility (118 units). To the east of the tract across South Quincy Avenue is a vacant tract approved for office uses zoned RM-1/PUD-357-A. To the west of the tract across South Riverside Parkway is a City Park zoned OMH/RM-2.

If Z-6908 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-691 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-691 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:**

DEVELOPMENT AREA A

Net Land Area: 1.12 Acres 48,856.SF

Permitted Uses:

As permitted by right within an OL district.

Maximum Building Floor Area: 17,100 SF

Maximum Building Height: Two story, not to exceed 35 FT

Minimum Building Setbacks:

From easterly right-of-way of Riverside Parkway 50 FT

From north boundary of the Development Area 10 FT

From south boundary of the Development Area

One story portions of buildings 20 FT

Two story portions of buildings as required in an OM district. ~~60 FT~~

From east boundary of the Development Area 0 FT

Minimum Parking Ratio:

As provided within the applicable use unit of the Tulsa Zoning Code.

Screening:

A screening wall or fence shall be installed along the south boundary of the development area if the lot to the south continues to have a residential uses.

Minimum Landscaped Area:

15% of net lot area.

Signs:

Signs shall comply with the restrictions of the OL district.

DEVELOPMENT AREA B

Net Land Area: 0.69 acres 30,195 SF

Permitted Uses:

As permitted by right within an OL district.

Maximum Building Floor Area: 10,570 SF

Maximum Building Height:

Two stories, not to exceed 35 FT in height.

Minimum Building Setbacks:

From the centerline of Quincy Avenue 75 Ft

From north boundary of the Development Area 10 FT

From south boundary of the Development Area

One story portions of buildings 20 FT

Two story portions of buildings as required in an OM district

~~60 FT~~

From west boundary of the Development Area

0 FT

Minimum Parking Ratio:

As provided within the applicable use unit of the Tulsa Zoning Code.

Screening:

A screening wall or fence shall be installed along the south boundary of the development area if the lot to the south continues to have a residential use.

Minimum Landscaped Area:

15% of net lot area.

Signs:

Signs shall comply with the restrictions of the OL district.

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 screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. 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.
5. Two access points shall be permitted, one to Riverside Parkway and one to Quincy Avenue. A driveway between Quincy and Riverside shall be constructed completely through for fire access and be north of any buildings. The access to Quincy Avenue shall be limited to a location within the north 75 feet of Development Area B. Mutual access shall ~~may be required to be provided to the tract to the south, and which~~ be directed to Riverside Parkway, which would be determined at the time of platting. Access on to Riverside Parkway shall be right turn only. All access shall be approved by Public Works and the Fire Department.

6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
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. 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. No light standard shall be located within the south 15 feet of the PUD. No light standard nor building-mounted light shall exceed 15 feet in height.
10. 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.
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 and shipping containers shall not be used for storage in the PUD.

NOTE: Comments from August 21, 2003 TAC Meeting:

PUD-691:

Water –

Stormwater – Pay fees in lieu of detention. Collect runoff on-site and pipe to the adjacent public drainage system, or provide conveyance for the 100-year runoff from the site to the Arkansas River.

Wastewater – Mainline extension required.

Transportation – Access onto Riverside is “right turn only”. Relocate access to south end of parking lot and provide for future mutual access easement to the south.

General – Driveway between Quincy and Riverside needs to be constructed completely through for fire access.

There were no interested parties wishing to speak.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing the Oden family, stated that his client owns a business that provides technology and software for the insurance industry.

Mr. Johnsen expressed concerns regarding the access points and TAC comments. He stated that if the subject property is developed first, then under the Traffic Engineer's suggestion, he would be required to provide some form of access to the next property if it should develop. However, the next development would be using their access point and there would be no sharing of the costs of construction or maintenance. Since there is a median in front of both tracts, there would be two right-turn accesses, which would be acceptable and then there wouldn't be any problem sharing. The abutting property was approved by the Board of Adjustment, but it is subject to a platting requirement and would be back before this Planning Commission. It would make an interesting discussion if shared access is required and that the abutting property owner would be required to extend, then his client would extend and there wouldn't be any problems with the construction costs and maintenance. Mr. Johnsen suggested to not make the shared access a requirement at this stage in the process and leave it as a matter to determine at the time of platting to see where the property to the south is in their development.

Mr. Johnsen requested the Planning Commission to approve the PUD and rezoning as recommended by staff with the modification that the consideration of mutual access be deferred until the time of platting.

TMAPC COMMENTS:

Mr. Westervelt stated that he would encourage that the three properties use the central access point and avoid adding driveway cuts to this section of Riverside Drive Parkway. He asked staff how this could be achieved.

Mr. Stump suggested, as a compromise, that instead of stating that "mutual access shall be provided to the abutting tract to the south," stating that "mutual access may be required to be provided to the tract to the south, which would be determined at the time of platting". Mr. Stump stated that the retirement center needs to be watched closely to ensure that they have a mutual access to the north and then two mutual access points on either side of the current residential property.

Mr. Johnsen stated that the modification suggested by staff is acceptable.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to recommend **APPROVAL** the OL zoning for Z-6908 and recommend **APPROVAL** for PUD-691 subject to the condition per staff recommendation and the amendment that mutual access may be required to be provided to the tract to the south, which would be determined at the time of platting by the Planning Commission. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for Z-6908/PUD-691:

Lot One (1), Block Two (2), RIVER GROVE SUBDIVISION, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 773; LESS AND EXCEPT a tract beginning at the Southwest corner of said Lot 1; thence North 164.70 feet; thence East 147.78 feet; thence Southeast 166.25 feet; thence West 171.99 feet to the Point of Beginning, containing 78,9977 square feet or 1.8131 acres, and located south of the southeast corner of East 71st Street South and South Riverside Drive, Tulsa, Oklahoma, **From RS-2 (Residential Single-family Medium Density District) To OL/PUD (Office Low Intensity District/Planned Unit Development [PUD-691])**.

Application No.: PUD-685

RM-2 to PUD

Applicant: Michael E. Schmitz

(PD-6) (CD-4)

Location: Northwest corner of East 17th Place and South Quincy (1730 South Quincy)

STAFF RECOMMENDATION:

The applicant is proposing six multifamily units (two two-bedroom units and four one-bedroom units) on a tract containing approximately 7,000 SF (net) located at the northwest corner of East 17th Place and South Quincy Avenue (1730 South Quincy Avenue).

The subject tract is zoned RM-2. The tract is abutted on the north and west by single-family dwellings zoned RM-2. There are single-family dwellings zoned RM-2 to the south of the tract across East 17th Place. There are multifamily dwellings zoned RM-2 to the east of the subject tract across South Quincy Avenue.

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-685 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-685 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) 7000 SF

Permitted Uses:

Multifamily dwellings as included within Use Unit 8.

Maximum Number of Dwelling Units: 6

Minimum Building Setbacks:

From the north boundary of the PUD

Buildings, except 2nd floor balconies 19 FT

2nd Floor Balconies 16 FT

From the east boundary of the PUD 22 FT

From the south boundary of the PUD 0 FT

From the west boundary of the PUD 10 FT

Minimum Off-Street Parking:

As provided within Use Unit 8.

Maximum Building Height:

Three stories, not to exceed 35 feet.

Minimum Livability Space Per Dwelling Unit:

200 SF; or 180 SF if a variance is approved by the Board of Adjustment.

Perimeter Landscaping and Screening:

An eight-foot screening fence shall be provided along the north and west boundaries of the PUD. No perimeter landscaping is required on the north or south sides of the PUD. At least 280 SF of landscaped area shall be provided adjacent to the west boundary of the PUD and 550 SF adjacent to the east boundary of the PUD.

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, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards and a Certificate of Appropriateness has been issued by the Tulsa Preservation Commission.
4. 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.
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, 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 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. 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. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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.
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. The access drive must be a minimum of 18 feet wide. All access shall be approved by the Public Works Department.

NOTE: Comments from June 19, 2003 TAC meeting.

PUD-685:

Water – Water available. If the four-inch water line is used to provide water for a sprinkler system, then the volume on this line could be an issue.

Stormwater – Collect on-site and pipe to the public system near Quaker Avenue and 17th Place South.

Wastewater – Sewer is available, but line may require rehabilitation.

Transportation – Where is the guest parking?

Traffic – Change ten-foot drive to a 20-foot minimum width. Steps and R. Walls will need a license agreement to encroach into public right-of-way.

TMAPC COMMENTS:

Mr. Westervelt stated that there was an appeal of the Tulsa Preservation Commission (TPC) decision to the Board of Adjustment (BOA). He asked if that appeal had been denied by the BOA. He asked if the appeal had been denied. In response, Mr. Boulden stated that the BOA determined that the appeal was not properly filed and notice to the Preservation Commission was not proper. The BOA dismissed the appeal. The appellant, Mr. Atkins, filed an appeal from the BOA to the District Court on September 2, 2003. Mr. Boulden advised the Planning Commission as to the status of that case, that they should treat the Certificate of Appropriateness issue by the TPC as being valid and the action not being stayed because there was no valid appeal to stay the action. He informed the Planning Commission that he has filed with the District Court that the Certificate of Appropriateness is not stayed and that the Court does not have jurisdiction to rule on the appropriateness of the Certificate of Appropriateness (COA). Mr. Boulden concluded that his advice to the Planning Commission is that the COA is valid and should be treated as such until told otherwise.

Mr. Harmon asked if there is anything that is significantly different from what was proposed in the July hearing. In response, Mr. Dunlap stated that staff did include some information that Mr. Schmitz had provided that proves he did submit and receive a COA.

Mr. Stump stated that he believes that the applicant has tried to modify some of his designs to make sure that the building has adequate turning radius and has enlarged the doors to be 18 feet wide (double garage doors). This would allow the vehicle to turn quicker and need less maneuvering room. This is not a detail site plan for the PUD, but staff's analysis is that there is sufficient maneuvering room as required by the Zoning Code for the nine-foot space. Staff wanted a wider entry and the applicant found that they could comply with the livability space and landscaping requirements if it were sixteen-foot wide entryway for two-way traffic.

Mr. Harmon recognized Councilor Baker. Councilor Baker declined any comments at this time.

Applicant's Comments:

Michael Schmitz, 1601 South Detroit, Tulsa, Oklahoma 74120, representing Mr. Arnold Schmidt, stated that his client applied for a PUD based on a conceptual design that was unanimously approved by the TPC on May 8, 2003. Mr. Schmitz cited the history of the application with TPC and TMAPC.

Mr. Schmitz stated that his client owns property in a Historic District zoned RM-2, which allows multifamily use. His client must adhere to the Zoning Codes, be mindful of the Comprehensive Plan and follow special processes due to the Historic District. He stated that his client also has to show respect for the neighborhood and the neighbors who reside therein. He commented that his

client has met all of these with professionalism and sensitivity. With a creative design, a watchful neighborhood association and a knowledgeable and professional Preservation Commission, this project has developed into a beautiful and sensitive structure with careful consideration given to vehicular access, pedestrian sidewalks, landscaping, appropriate setbacks, exterior materials and building form. Mr. Schmitz cited the Zoning Code, Section 1055.C. He indicated that his client has attempted to address and succeeded in addressing many of the concerns of the neighborhood during this process. It is his contention that the majority of the neighborhood feels that his client has been sensitive to the diverse neighborhood fabric that makes up the Swan Lake Historic District. Mr. Schmitz cited the redesigning and changes in the proposal to address the concerns of the neighborhood and noted that he did receive a Certificate of Appropriateness from the TPC. He indicated that with the changes, the proposal would now match the apartment buildings across the street, as well as several other apartment buildings in the immediate area.

Mr. Schmitz stated that the new designs were presented in a second subcommittee meeting and it was reported that the new design and changes were well received. Most of the neighbors considered them acceptable. He explained that he did receive feedback that the neighbors were concerned about the building height and would prefer that it be set down into the site to reduce the overall height. The drawings were reviewed and it was proposed to sink the building into the site approximately an additional 18 inches and change the base of the building from brick to a split face block in order to blend better with any additional retaining walls. He stated that he mentions this because there was discussion about sinking the building into this site and all that could be done has been done. The revised design was presented at a third subcommittee meeting on October 8, and the full TPC meeting on October 10, and it was approved unanimously and given a COA. There were no Swan Lake Executive Board members or neighbors at the meeting except for Stacey Bayles, who is a resident of Swan Lake and acting as the TMAPC representative to the TPC. Mr. Schmitz read a letter dated April 7th and submitted to the Planning Commission (Exhibit A-1) and cited Mr. Paul Atkins's statements from the tape recording of the BOA presentation, "...first he would like to have a few seconds to express our feelings and make it very clear that we are not upset, angry or disappointed with the owner Arnold Schmidt or the architect, Michael Schmitz, of this project. It is our contention that they made every effort to put together a project to not only meet their needs, but also be accommodating to the neighborhood in accordance with its guidelines". Mr. Schmitz further quoted Mr. Atkins regarding why he did not attend the TPC meetings regarding this application "...We were not at the meeting because we agreed to the guidelines and had no opposition to this because their guidelines had been met to almost 99% of the what is required of the architect."

Mr. Schmitz stated that the final version of the proposal is before the Planning Commission today. Mr. Schmitz submitted memos and emails to and from TPC members (Exhibit A-1). He stated that the COA was approved unanimously at the May 8th TPC meeting for the second time and the vote for recommendation at the subcommittee on May 6th was also unanimous, which included the vote of the Swan Lake representative. Once again the COA was appealed at BOA by Paul Atkins and it was not heard by the BOA because proper notice was not given. Mr. Schmitz cited the various comments from the Planning Commissioners during the July hearing.

Mr. Schmitz presented the original model of the subject area that was prepared by the Swan Lake Neighborhood and stated that he didn't feel that the model included all of the surrounding properties and buildings. Mr. Schmitz presented a model that included all of the existing buildings in the subject area (Exhibit A-7). Mr. Schmitz compared the original model and the new model. Mr. Schmitz stated that he is proposing a building that is between 32 feet and 34 feet in height because he doesn't want to build the building any higher than is needed. He pointed out that the Zoning Code allows 35 feet, even if the subject property is rezoned to residential. He addressed the setbacks for the subject property and pointed out that the building across the street is fifteen inches closer than the proposal. Along Quincy there is a house that is three inches closer to Quincy than the proposed building. He explained that the purpose for filing a PUD was to allow the parking and garages in the back and make it more pedestrian friendly, which causes the project to be over the setback line to the property line. If he were in front of the BOA trying to get variances for the subject project, there would be three variances: 1) building over the setback, 2) five-foot landscape strip between the subject property and the property to the north, 3) and a five-foot strip between the subject property line on the south and his building. He indicated that there would be a retaining wall and an eight-foot fence at the request of the Swan Lake Executive Board for more privacy. Mr. Schmitz addressed the issues discussed at the TAC meeting from the TAC meeting notes.

Mr. Schmitz stated that his client has put a great deal of effort into this project and is actively seeking approval through this process of his current design. His client has obtained three COAs from the TPC and all have been presented to the Swan Lake Neighborhood Association. Numerous positive changes have been made during the process in order to make this not just an acceptable project, but a project that the neighborhood would take pride in knowing that they have helped make a more attractive, quality development that blends in well with the fabric of the very diverse Swan Lake Historic District.

INTERESTED PARTIES:

Paul Atkins, 1638 East 17th Place, Tulsa, Oklahoma 74130, submitted a BOA booklet (Exhibit A-4) and requested the Planning Commission to turn to page 2. Mr. Atkins read the second paragraph of page 2. Mr. Atkins submitted minutes

(Exhibit A-2) and cited page 2, which addresses the Comprehensive Plan. He requested that the Planning Commission dismiss this case immediately, because it is not in accordance with the State Statute, Section 110.S.43-103.Oklahoma State CN 2003. Mr. Atkins cited minutes from TPC (Exhibit A-2) with regard to size and scale of buildings. He stated that Mr. Schmitz has an invalid COA according to the requirements as he interprets them. Mr. Atkins asked who would compensate the neighbors for the devaluation of property.

TMAPC COMMENTS:

Mr. Westervelt stated that he does not want the lack of questions of the previous speaker to suggest that he is endorsing or agreeing with the statements he has made today.

INTERESTED PARTIES:

John Ruffing, 1638 East 17th Place, Tulsa, Oklahoma 74130, read text and submitted text (Exhibit A-3).

Brent Capehart, 1417 East 20th, Tulsa, Oklahoma 74120, stated that Mr. Schmitz was incorrect in stating that his proposal meets with the Comprehensive Plan. If this were to be approved it would be a violation of State Law. What is relevant today is the current plan and the footprint of the current plan. He indicated that there are no changes in the size of the building or the scale. The Planning Commission has already determined that the subject building is too large for the subject area. To determine if it is now an appropriate size, the Planning Commission must determine that it is in compliance with the historic overlay and the Planning Commission does not determine that, which was indicated at the last hearing. He commented that he doesn't know which buildings were reviewed and there are contributing and non-contributing buildings. If the Planning Commission reviewed non-contributing buildings, that would be an inappropriate review of buildings for a reconsideration or inappropriate to compare those buildings with the proposed building.

Mr. Capehart requested that this be either denied or tabled until the information for the basis of reconsideration be evaluated to determine whether it was an appropriate basis for the reconsideration to begin with. There have been many changes and to say that the TPC would not consider those changes does not conform to his thinking and what he is advocating to the Planning Commission. There are many requirements for the HP zoning, and when changes occur, then the TPC would review the changes to make sure they conform to the COA. Mr. Capehart informed the Planning Commission that he is the attorney on the appeal and he is challenging the City of Tulsa that this is a valid COA. He commented that this is outside of the scope of this situation. There may be a new COA that should be resolved due to the changes proposed. He concluded that he would request that the Planning Commission deny the PUD as it currently stands.

Dusty Peck, 1716 South Quincy, Tulsa, Oklahoma 74130, president of the neighborhood association, stated that the majority of the neighborhood is against this project. He indicated that the neighborhood association did not send a representative to one of the meetings regarding this proposal because the representative was out of town and no one else knew of the meeting.

Mr. Peck referred to the subcommittee minutes from TPC (Exhibit A-2) and indicated that Stacey Bayles was in charge of the meeting in question. He then referred to a packet from Patrick Boulden to Councilor Baker, page 3 (Exhibit A-4) and the design guidelines (Exhibit A-5). Mr. Peck read excerpts from the minutes and documents. He indicated that the guidelines were not followed by TPC and Mr. Schmitz. He requested that the reconsideration be denied.

TMAPC COMMENTS:

In response to Ms. Bayles, Mr. Peck stated that the Board has come to the conclusion that the HP Guidelines must be followed. There are five members and three believe the guidelines have not been followed (Eric Scholl, Pam Beaver, and Mr. Peck). He stated that Mr. Dolph and Michelle (no last name given) believe that they can live with this project.

Ms. Bayles asked Mr. Peck if he had met with Councilor Baker or Mr. Schmitz. In response, Mr. Peck stated that he did meet with Councilor Baker and several other people.

INTERESTED PARTIES:

Councilor Baker stated that he didn't intend to say anything, but rather was in attendance today to see if there was any new information. He commented that he is not sure that he heard any new information, but appreciates the opportunity to speak. This is a contiguous issue that has been in the process since 1999. Failure to build this proposal under the first approval has allowed this to continue as a cloud over the neighborhood with uncertainty of what is going to happen.

Mr. Baker stated that he did want to explain one issue. After hearing different presentations before the Planning Commission and the BOA and then hearing many of the citizens come up and claim they do not want nor like a proposal, he decided to develop some guidelines for neighborhood leaders. He explained that he consulted with Legal regarding the standards that the Planning Commission and BOA are charged to act on. He indicated that he distributed the guidelines to the neighborhood associations on how to present their issues to the various boards.

Applicant's Rebuttal:

Mr. Schmitz read from the Cherry Street Special Study that was developed in 1986, Section 3.4.4.2 which discusses RM-2 and RS-3 zoning. Mr. Schmitz reminded the Planning Commission that his client purchased the property while it was zoned RM-2 and it is still RM-2 today.

Mr. Schmitz stated that when he is designing a building, he can't just consider the contributing buildings, but rather look at the neighborhood as a whole. This proposal is a beautiful building that truly respects the historic fabric in Swan Lake. Mr. Schmitz stated that the guidelines for design are usually misspoken and he believes that Ms. Bayles is correct when she stated that this project had been scrutinized. This is a good infill project and he has respected the setbacks.

Arnold Schmidt, 2418 East 19th Street, Tulsa, Oklahoma 74130, stated that he is the owner of the subject property. He indicated that he has had four projects approved in Swan Lake and one approved in Maple Ridge under the same historical guidelines. He commented that he is not a preservationist, but he does believe it is important and the process is necessary. His architect has been very open to the neighbors, the TPC and him regarding this proposal. He indicated that Mr. Schmitz's wife has been in the historical preservation field for a number of years.

Mr. Schmidt stated that there has been criticism that the TPC has not done their job. He explained that the TPC approved the last two projects, one of which is before the Planning Commission today, unanimously after a great deal of discussion and debate. The neighbors stated that the guidelines have been met by approximately 99% and now they are speaking against the project. Councilman Baker held a meeting with the neighbors and the developers and he hasn't heard anything from them. He concluded that the TPC has done their job and he has always been willing to listen to the community.

TMAPC COMMENTS:

Mr. Westervelt stated that he would like to hear from Stacey Bayles before he formulates an opinion, since she serves on the TPC subcommittee.

Ms. Bayles stated that she believes that this proposal received the highest scrutiny possible. She further stated that she serves on the subcommittee primarily to gain more experience. One of the most thoughtful and deliberate members of the subcommittee is Mark Dolph, and although she doesn't agree with him 100% of the time, she commented that she admires him and his reputation is exemplary. This process is one of refinement and the neighborhood's considerations were always taken into account and that accounts for possibly four plans or nine as mentioned by the interested parties. She commented that she did not see nine plans, but she obviously considered and voted for, both in the Preservation Commission and the Planning Commission, this to be a suitable and compatible project for the neighborhood. She reiterated a lot of Mr. Arnold's Schmidt's comments. This should be viewed as a quality infill development project and it has been seen in larger urban areas. She stated that she has had ex parte communication on both levels and clearly the one consideration that she had was the issue of setbacks. The widening of the driveway has satisfied her requirement further today with the 18-foot increase.

She indicated that she supports this application because it would meet the needs of the residents that she hopes would be welcomed as Swan Lake neighbors. She commented that she has lived in the Swan Lake neighborhood for twenty years and watched it evolve from a slum at the Cherry Street level to something that is one of the most desirable neighborhoods in Tulsa. She does not believe that this proposal would diminish that in any way.

Mr. Midget stated that initially he made a statement that the building was overwhelming, but since that time he has visited the site. The surrounding area has tall trees and it does not appear that it would be so overwhelming that it doesn't fit into the neighborhood. Now that he has had a chance to physically see the subject area and see how it would fit into the area, it has somewhat softened it for him. He explained that he is one of the strongest advocates for infill development in the City of Tulsa and this project can work. He commented that initially his preference was that the project be smaller, but after viewing the subject area he believes this would work.

Mr. Midget stated that the Planning Commission does try to follow the Comprehensive Plan; however, it is only a general guideline and not binding on the Planning Commission. This Planning Commission has voted at times to amend the Comprehensive Plan in order to update it. He stated that he is following the Planning Commission's legal counselor's finding that the COA is valid.

Mr. Horner stated that he investigated the subject area and he would be supporting this project. It fits the corner lot and will enhance the neighborhood.

Mr. Westervelt concurred with Mr. Midget and stated that the Comprehensive Plan is an organic document, which is regularly modified. Having read through everything in the packet, listening to the comments today, having ex parte communications and reading the history of action it is obvious to him that the Historic Preservation Commission did issue an appropriate COA and it was valid when it was issued and he believes that it is valid today. Reflecting on the comments in today's package, he noted that it is consistent with the Infill Development Study that was undertaken and it is obviously consistent with the guidelines as the Historic Preservation Commission has determined in issuing the COA. The property is already zoned RM-2, as are numerous properties within the addition. From the comments and the written materials, it is obvious that the Historic Preservation Commission considered such things as landscaping, setback, building materials, height, width, depth, and driveway width, which shows the Planning Commission that they spent considerable time with their determination, notwithstanding that the Planning Commission has a member who serves on the TPC board and gives additional confidence in the decision that was reached. Mr. Westervelt made a motion to approve this application as submitted.

MOTION of **WESTERVELT** to recommend **APPROVAL** of PUD-685 as recommended by staff. Mr. Horner seconded Mr. Westervelt's motion.

Mr. Harmon stated that previously he did oppose this application, but he has been told that a wise man changes his mind often. He commented that he is going to take advantage of what wisdom he has and change his mind. He explained that he walked the streets in the subject area and he has a different perspective after walking the neighborhood. He is convinced that this project would work and it does fit.

Mr. Carnes stated that he voted against this proposal at the last hearing because he had never voted for off-street parking, but when the garage doors and the driveway were widened, it is now a usable garage. He commented that he can now support this motion.

Ms. Coutant stated that she is in agreement with Mr. Harmon and Mr. Carnes. She explained that she has struggled with this proposal a lot because of the downzoning next door, but since the driveway and garages have been changed she can now support this proposal.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to recommend **APPROVAL** of PUD-685 per staff recommendation.

Legal Description for PUD-685:

Lot 8, Block 23, Orcutt Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of East 17th Place and South Quincy Avenue, Tulsa, Oklahoma, **From RM-2/HP (Residential Multifamily Medium Density District/Historic Preservation) To RM-2/HP/PUD (Residential Multifamily Medium Density District/Historic Preservation/Planned Unit Development [PUD-685]).**

Application No.: PUD-489-7

MINOR AMENDMENT

Applicant: Rick Stuber

(PD-18) (CD-8)

Location: Northeast corner of East 71st Street and South Mingo Road

STAFF RECOMMENDATION:

The minor amendment proposes to increase the maximum building floor area within Lot 3 of PUD-489.

PUD-489 was approved by the City Council on May 28, 1992. The PUD contains 34 net acres located at the northeast corner of East 71st Street and South Mingo Road. The PUD was approved for a shopping center. The underlying zoning is CS and CO. The maximum building floor originally approved was 385,000 SF. In 1995 a minor amendment was approved to increase the maximum building floor area to 391,700 SF. This minor amendment proposes to increase the maximum building floor area within Lot 3 from 110,000 SF to 122,000 SF. This would increase the maximum building floor area of the entire PUD to 403,700 SF.

Staff finds that the request to increase the maximum building floor area to 403,700 SF is permitted by the underlying zoning and the floor area of a development area is not increased by more than 15%. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. The requirements of PUD-489 as amended shall apply unless modified below.
2. Development standards:

Maximum Building Floor Area Lot 3:	122,000 SF
Maximum Land Coverage of Buildings for that part of the PUD zoned CO:	30%

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the minor amendment for PUD-489-7 per conditions as recommended by staff.

Application No.: PUD-587-6

MINOR AMENDMENT

Applicant: Scott Rodenhaver

(PD-18) (CD-8)

Location: South of southwest corner of East 81st Street and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is proposing to delete the requirement for a six-foot high or greater screening wall or fence and increase the building height within Tract 2 of Lot 2, Development Area A of PUD-587. A banking facility is being proposed on the subject tract.

The existing height and screening requirements are as follows:

Maximum Building Height: One story, not to exceed 25 FT.

Screening:

A six-foot high or greater screening wall or fence shall be provided along the southern boundary of Development Area A.

The applicant is proposing to delete the requirement for a screening wall or fence and provide additional landscaping along the southern boundary of the subject tract. The proposed building is one story and has a pitched roof with the highest ridge line at 28 feet. However, approximately two-thirds of the ridge lines are below 25 feet.

Staff finds that the request does not substantially alter the approved PUD standards or the character of the development. Therefore, staff recommends approval of the request subject to the approval of the detail site plan for the subject tract, which is also on this agenda.

Related item:

Application No.: PUD-587

DETAIL SITE PLAN

Applicant: John Hubert

(PD-18) (CD-8)

Location: South of southwest corner of East 81st Street and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a drive-through bank. The proposed use, Use Unit 11, is in conformance with development standards.

The proposed building complies with maximum permitted floor area, building setback and off-street parking requirements. A minor amendment has been requested regarding the proposed height of 27.16 feet.

Proposed net landscaped area and street yard area meet minimum requirements. The exterior façade of the proposed building is of consistent material and style and the bulk trash container will be screened as required by Development Standards. A minor amendment has been requested regarding the requirement for a six-foot high screening wall or fence on the southern boundary of Development Area A. No screening is shown on the detail site plan.

Per the submitted lighting plan, proposed parking lot lights meet Zoning Code requirements. No wall-mounted parking lot lighting is proposed.

Staff recommends **APPROVAL** of PUD-587 detail site plan on condition that the minor amendment regarding screening and building height is approved by TMAPC.

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

TMAPC COMMENTS:

Mr. Westervelt asked staff for clarification regarding the request. In response, Mr. Stump stated that the screening is for the elderly housing project, which is to the south, and the screening would be for the front parking lot. There is no need for the screening across from Yale, because it could be a commercial corner. There is a detention pond from the residential to the west and there is no need for screening there as well. Because of the specific layout it appears that the screening is not necessary.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the minor amendment for PUD-587-6 per staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the detail site plan for PUD-587 subject to the condition as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-600-A

DETAIL SITE PLAN

Applicant: Randy Barker

(PD-18) (CD-8)

Location: South of east 91st Street, west of South Toledo Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story general office building. The proposed use, Use Unit 11, is in conformance with development standards.

The proposed building complies with all development standards regarding maximum height permitted and front, side and rear setback requirements. Proposed parking complies with zoning code requirements for design and number of spaces required. Net lot area and street yard landscaped areas comply with development standards and the zoning code. The proposed outdoor bulk trash container is screened per development standards. No pole or wall mounted parking lot lighting is proposed.

Staff recommends **APPROVAL** of PUD-600-A detail site plan.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MDIGET** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the detail site plan for PUD-600-A per staff recommendation.

Application No.: PUD-667

DETAIL SITE PLAN

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: 11301 South Delaware Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan of a gated entry at 115th Street South.

The plat shows two entries into the subdivision, one at East 113th Street South and one at East 115th Street South. The Detail Site Plan for the East 113th Street South gated entry was approved by TMAPC on August 20, 2003. Traffic Engineer, Darryl French, and Assistant Fire Marshall, Fred Calkins, have approved and signed plans for the East 115th Street South gated entry as required by development standards, and this entry is now submitted for review.

Staff recommends **APPROVAL** of the East 115th Street South gated entry per plan approved by Traffic Engineering and the Fire Marshall.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford "absent") to **APPROVE** the detail site plan for PUD-667 per staff recommendation.

Commissioners' Comments:

Ms. Bayles reminded the Planning Commissioners no matter what their opinion is to remember to go and vote regarding the Vision 2025.

There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.

Date Approved:

October 15, 2003

David J. Jahn

Chairman

ATTEST:

[Signature]

Secretary

