

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2416

Wednesday, June 22, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Dick	Alberty	Boulden, Legal
Bayles	Horner	Fernandez	
Bernard		Huntsinger	
Cantees		Matthews	
Carnes			
Harmon			
Hill			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 17, 2005 at 3:15 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Ms. Bayles read the meeting instructions.

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

Minutes:

Approval of the minutes of May 4, 2005, Meeting No. 2411

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Carnes, Hill, Jackson "aye"; no "nays"; none "abstaining"; Cantees, Dick, Harmon, Horner, Midget "absent") to **APPROVE** the minutes of the meeting of May 4, 2005, Meeting No. 2411.

Mr. Harmon and Mr. Midget in at 1:31

located on the northeast corner of West 91st Street South and South Union Avenue for a mixed-use, office and light commercial development. South Union Avenue and West 91st Street South are designated secondary arterials. PUD-694-A encompasses Development Area 'B' of PUD-694.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.61 acres in size and is located north of the northeast corner of West 91st Street South and South Union Avenue. The property is gently sloping, non-wooded, vacant and is zoned CO/ PUD-694.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Union Avenue	Secondary arterial	100'	2 lanes

UTILITIES: Water service is available to the subject tract and sewer would require septic systems.

SURROUNDING AREA: The property is bounded on the north by vacant land, zoned AG; on the east by U.S. Highway 75 South, zoned AG; on the south by vacant land, zoned CS/ PUD 694; and on the west by Union Avenue and single-family dwellings, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity - Corridor. Per the Plan, uses within the Beeline Corridor "must not intrude upon or detract from nearby residential development" and must develop compatible with OL, OM CS or CO zoning. Section 3.6.3.2 of the District 8 Comprehensive Plan limits uses to agriculture, residential, office and community. Mini-storage, Use Unit #16, is permitted in OL, OM and CS by special exception and would, therefore, be allowable under a PUD designation.

STAFF RECOMMENDATION: PUD-694-A:

This proposal is a major amendment to develop a mini storage facility, Use Unit 16, within a portion (approximately 4.61 acres) of the existing PUD-694 (8.4 acres). The original PUD also included headquarters for the Arkansas Valley Petroleum Company and a fuel distribution center. The current amendment includes only the mini storage component of that original request.

Staff finds the uses and intensities of development proposed by PUD-694-A 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-694-A as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the

development possibilities of the site; (4) consistent with the state purposes and standards of the PUD Chapter of the Zoning Code.

Staff recommends **APPROVAL** of PUD-694-A and **DENIAL** of the Corridor Site Plan (Z-6916-SP-2), 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 STANDARDS

Land Area: 4.61 Acres

Maximum mini storage floor area: 51,800 SF

Maximum office floor area: 1,200 SF

**Maximum covered, unenclosed boat
And recreational vehicle storage:** 12,000 SF

Maximum building coverage (entire site): 35%

Permitted Uses: Use Units 11, 16, and 23* only
*Permitted only if located in interior areas of site.

Building Height: Two stories, not to exceed 35'.

Building Setbacks:	Centerline of Union	100'
	North boundary	25'
	Highway 75 ROW (east boundary line)	35'
	South boundary	20'

**Minimum setback of uncovered boat and
RV storage from U.S. 75 and South Union:** 175'

**Minimum setback for covered boat and
RV storage from U.S. 75:** 85'

Minimum open space area: 12% net lot
Reserve areas shall be used for stormwater detention and open spaces.

Building Materials:

Building walls on the exterior of the development shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block exterior walls are not permitted on such exterior. The front of the buildings on South Union and the ends of the other buildings shall be constructed using either a brick veneer or masonry Dryvit walls.

Parking:

A minimum of 16 parking spaces shall be provided per the site plan.

Screening:

A minimum of a five-foot wide landscaped screening area is proposed in lieu of a solid screening fence on the west and north sides of the property, as shown on the landscape plan and representative photographs submitted. A landscaped open space shall be provided on the east side adjacent to U.S. Highway 75 as shown on the site plan in lieu of a screening fence. The trees described on the landscape plan shall be a minimum of six feet high at the time of planting and shall be installed prior to occupancy of any building. All trash containers or dumpsters shall be screened from public view from the exterior boundaries of the PUD.

Landscaping:

A five-foot wide landscaped/open space area is provided on the north and west sides of the site per plan. A minimum of a 15' wide open/landscaped area along the east boundary adjacent to U.S. Highway 75 shall be provided as shown on the site plan. A 170' by 45' detention/open space area is provided along the South Union frontage. This will be a dry-type facility designed to comply with the requirements and ordinances of the City of Tulsa.

Signs:

One ground sign, not to exceed 20' in height and 32 sq. ft. display surface area or 2/10 of a square foot of display surface area per lineal foot of street frontage (whichever is greater) along Union frontage. Illumination of the sign, if any, shall be by constant light. One ground sign, maximum 220 sq. ft. surface area and 35' height permitted along Highway 75 frontage, setback a minimum 50' from the north boundary of the PUD and setback a minimum 10' from the highway right-of-way. No wall signs permitted for mini-storage or its accessory use; for office uses, one wall sign shall be permitted for each building which shall not exceed 18 square feet in display surface area.

Site Utilities:

Sanitary sewer is not yet available, so a septic system meeting the requirements of the State of Oklahoma Department of Environmental Quality will be used. All other utilities are available.

Expected development schedule:

The initial phase of development will occur within six months of the recording of the approved subdivision plat. The construction of individual buildings on the office lots will occur over a period of years as market conditions permit.

- ~~3. Access door to storage units shall not be visible at ground level from Highway 75 or Union.~~
4. No hazardous, toxic or explosive materials are permitted to be stored on premises.
5. Open air storage is prohibited on the perimeter of the PUD, but is permitted on the interior of the lot if storage is not visible at ground level from Union Avenue or the residential to the west, from Highway 75 or from the abutting property to the north.
6. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed, or are reasonably expected to be installed at the appropriate planting time in the case of plants, in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
9. Flashing signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited.
10. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

11. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street-right-of-way. No light standard or building-mounted light shall exceed 20 feet in height.
12. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
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. All access shall be approved by the Public Works Department.
17. All conditions of the TAC shall be incorporated in the final PUD site plan.

Development Services Comments for TAC meeting April 21, 2005:

PUD-694/ Z-6916-SP-2

- General** - Mini-storage, UU #16, is not consistent with Planning District 8, "Beeline Corridor District" policies. Parking must be setback from Union right-of-way to permit compliance with landscape requirements for streetyard.
- Water** - Expand Section 4 comments on water – accessing from what source (12" line on Union).
- Stormwater** - Move detention out of Utility Easements. Proposed detention location also conflicts with landscape requirements for street yards.

Wastewater - A 17.5' perimeter utility easement will be required around the entire plat. The septic field must be in an easement and will not be allowed to encroach into the utility easements. Note: a dry-line system will be required as future development occurs.

Transportation - In the Major Amendment document, I. SITE DESCRIPTION AND SURROUNDING AREA, correct the location from "West 81st Street" to West 91st Street". The graphic scales on Exhibits A, B, D, & E need to be corrected. Please ensure all right-of-way dedications conform to Major Street & Highway Plan requirements. City of Tulsa policy requires sidewalks on arterials.

Traffic - Recommend a 60' parking lot width for perpendicular spaces in front of the office due to the proposed "Dead End" lot design. 50' right-of-way dedication required for Union.

TMAPC COMMENTS:

Mr. Ard asked if the original PUD included mini-storage. In response, Ms. Matthews stated that the original PUD allowed mini-storage and a petroleum/fuel distribution. There was also some office allowance as well.

Mr. Ard asked if the new PUD is strictly for mini-storage. In response, Ms. Matthews answered affirmatively.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, representing Mr. Billy Frazier, principal in the Safe Place Storage Center, stated that Mr. Frazier is a native Tulsan and this will be his second mini-storage facility. He explained that he applied for a major amendment to the previous PUD, which was approved in November 2003 for the Arkansas Valley Petroleum Company distribution center. Due to the restrictions, Mr. Smith found another location that would satisfy his needs without the restrictions.

Mr. Moody stated that there has been some miscommunication regarding what he was requesting and the corridor site plan process. He explained that he has filed a PUD as a major amendment to eliminate the trucking/gas facility.

Mr. Moody stated that originally he submitted a site plan that called for a mini-storage warehouse facility, which also had some outdoor boat storage. Mr. Moody submitted photographs (Exhibit A-1 and A-2). Staff was concerned with the outdoor storage and screening, etc. He explained that after visiting with staff he revised the proposal, which has been brought to the Planning Commission today. He indicated that there is a significant landscaped open space area along the U.S. Highway 75 frontage. The covered RV storage has been moved back

175 feet from the highway and moved the outdoor boat storage to the interior of the property at the suggestion of staff, which will be screened and shielded by the other structures and will not be visible from any of the public access. There is a proposed a 75' x 120' dry detention area in the southwest corner of the property that has been moved out of the utility easement, which created more open space and landscaped areas along the South Union frontage. There is now a maximum mini-storage floor area of 51,800 SF, which is within the maximum square footage allowed under a CO district. Maximum office floor area will be 1,200 SF.

Mr. Moody indicated that he has agreed that all of the exterior sides of the buildings that would face outwards will be constructed of brick, brick veneer, masonry or Dryvit walls. No metal building sides will be on the south, west, north or east. The ends of the buildings that face north will have masonry, brick veneer or Dryvit. He proposed a five-foot landscaped area (buffer strip) along the entire north side in lieu of a screening fence. He explained that the trees will be a minimum of five feet high at the time of planting and prior to the time that the facility is occupied. Mr. Moody demonstrated the proposed landscaping with pictures from another facility (Exhibit A-1 and A-2).

Mr. Moody stated that the only issue with staff is the visibility of metal doors from South Union Avenue and access doors to storage units being visible at ground level from U.S. Highway 75. He explained that the subject property is 20 feet higher than U.S. Highway 75 and the only part that is visible is from the south from U.S. Highway 75. He doesn't believe the metal doors will be visible from the highway right-of-way, but if they are, there will be substantial landscaping and he doesn't believe it will pose any problems. He doesn't believe it achieves any substantial public purpose to require that no doors be visible from the highway. U.S. Highway 75 is a primary trucking route to Dallas, Texas and truckers are used to seeing metal doors along the highway. He requested that his client be allowed to have metal doors along Union because they will be set back substantially. He believes that there is adequate protection and more than anything that exists in the neighborhood. Mr. Moody cited the surrounding businesses and submitted photographs (Exhibit A-1 and A-2), which are made from metal buildings.

TMAPC COMMENTS:

Mr. Carnes asked staff if they still felt the same about the doors after hearing Mr. Moody's presentation. In response, Mr. Alberty stated that Mr. Moody made a convincing argument. Staff made a standard requirement for mini-storage and in this case staff could relax that requirement.

Ms. Cantees in at 1:50 p.m.

Ms. Bayles asked Mr. Moody if he was in agreement with the staff recommendation regarding denial of the CO portion.

Mr. Moody stated that approximately 15 years ago there was a concern about how to process corridor site plans given the way the ordinance reads, which provides little flexibility and required a very detailed site plan to be submitted at the start of the zoning process. This involved a great deal of risk to an applicant and a great deal of money on the final engineering and architectural fees before knowing if the project would get conceptual approval. He believes that Mr. Norman was the first to file a PUD on top of the corridor zoning. That has been done for the past 15 years and that is what was done in this case in order to give the Planning Commission a conceptual site plan approval as the corridor zoning site plan. Historically, applicants had provided a condition that the detail site plan that would be submitted with the PUD would also be the final detail site plan for the corridor zoning for Planning Commission approval. Mr. Moody explained that staff gave him the detail PUD requirements that were requested at this time and he wasn't able to comply. Mr. Moody cited the types of requirements that were requested that he felt would be impossible to submit at this time before receiving approval. He requested that the Planning Commission continue the corridor zoning site plan for three months and approve the PUD. He explained that his client would feel confident enough after the approval of the PUD to go ahead and close the purchase of the subject property, do the final architectural/engineering work, then come back with the detail site plan for approval, or in the alternative, to approve this as a conceptual corridor site plan and go to the City Council and come back with the final corridor site plan.

Mr. Moody stated that there is a problem with the corridor zoning as it exists. He agrees with Mr. Alberty that if one reads the zoning ordinance, it states that the applicant has to do the level of detail when you file a SP-1 plan, but this is not possible unless the applicant already owns the property and has already developed it are ready to go to final planning. He believes that this PUD mechanism came about due to this. He indicated that he checked and found that Mr. Norman's original filing was approved as a conceptual plan and not a detail plan. The most recent corridor site plan that the Planning Commission approved in February 2005 for Mr. Johnsen was a conceptual plan without all of the details. Therefore, the policy has been to approve a conceptual plan as SP plan and do the detail final plan at the next hearing level when submitted with a detail PUD. He concluded that he doesn't agree with the denial of the corridor, but he does agree with staff on the PUD with the modifications presented. He requested that the corridor be approved as a conceptual plan and return with the final detail plans.

Mr. Harmon asked Mr. Alberty if the proposal before the Planning Commission acceptable.

Mr. Alberty stated that there is a lot of discussion and a lot of interpretation. Staff is in the process of amending the corridor chapter to correct what staff believes has been a deficiency for over 30 years. It is probably semantics more than

anything, but there is no provision for a conceptual corridor site plan presently. It is his interpretation that is why the PUD was filed and to allow the conceptual site plan. He concluded that he would agree to allow Mr. Moody to continue this application for 90 days to allow him to amend any present plan and hear it at that time.

Mr. Moody indicated that he would agree to the 90 day continuance.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-694-A per staff recommendation and modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-694-A:

A tract of land in the SW/4, SW/4 of Section 14, T-18-N, R-12-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: Commencing at the southwest corner of said SW/4, SW/4, thence N 0°00'15" E along the west line of said SW/4, SW/4 a distance of 927.95'; thence S 89°51'09" E a distance of 50.00' to the Point of Beginning; thence S 89°51'09" E a distance of 514.20' to a point on the West right-of-way line of U. S. Highway 75; thence S 11°15'52" W along the west right-of-way line of U. S. Highway 75 a distance of 210.09'; thence S 22°34'52" W along the West right-of-way line of U. S. Highway 75 a distance of 51.00'; thence S 11°15'52" W along the West right-of-way line of U. S. Highway 75 a distance of 185.18'; thence N 89°51'09" W a distance of 417.43' to a point on the East right-of-way line of South Union Avenue; thence N 0°01'15" E along the East right-of-way line of South Union Avenue a distance of 435.00' to the Point of Beginning, containing 4.61 acres more or less and located on the northeast corner of West 91st Street South and South Union Avenue, Tulsa Oklahoma, **From:** CO/PUD (Corridor District/Planned Unit Development [PUD-694]) **To:** CO/PUD (Corridor District/Planned Unit Development [PUD-694-A]).

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** Corridor Detail Site Plan for Z-6916-SP-2 to September 28, 2005.

* * * * *

SUBDIVISIONS:

PRELIMINARY PLAT:

A Safe Place Storage Center – (8214)

(PD-8) (CD-2)

North of the northeast corner of West 91st Street South and South Union Avenue (continued from 6/15/05) (Related to PUD-694-A/Z-6916-SP-2.)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that staff believes that this application should be continued with the corridor site plan due to some details that might occur with the landscaping and the detention area that has been under discussion.

Mrs. Fernandez stated that this plat consists of two lots, one block, on 8.34 acres.

The following issues were discussed on May 5, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-694. The use as proposed is not permitted in the PUD. Before the plat can move forward this needs to be resolved with the Planning Commission as the use was strictly prohibited.
2. **Streets:** An additional eight feet of right-of-way dedication for 91st Street is required for a right turn lane approaching South Union per Subdivision Regulations. Please show documentation for right-of-way dedication on 91st. ONG's 50 feet is likely an easement, not a fee simple right-of-way dedication. Show "Limits of No Access" along the Highway 75 frontage. The east access to 91st Street may require relocation to provide adequate sight distance.
3. **Sewer:** The septic field to serve the proposed development must be in an easement and can not encroach into the utility easement. Add language describing the septic easement and restricting it to vegetative cover with no paving or buildings of any type over it. Also state that the owner will connect, at his own expense, to the public sanitary sewer main within 90 days of it becoming available to the property.
4. **Water:** No comment.
5. **Storm Drainage:** Is the detention facility planned to serve both lots, including planned development of Lot 1? If yes, then it should be in a reserve. If not, then another will be required on Lot 1 when developed. Please rewrite Section I C deleting all references to storm sewers since no public storm sewers show on the site. Delete Section I H for the same

reason. Add new section for Stormwater Detention Easement. May need to address as a reserve area.

6. **Utilities:** Additional easements may be necessary.
7. **Other: Fire:** N/A

Staff MAY HAVE A RECOMMENDATION AT THE MEETING PER THE RELATED PUD ITEM ON THE AGENDA.

Waivers of Subdivision Regulations:

1. None requested.

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.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Moody if he was in agreement with a continuance. Mr. Moody requested time to discuss this issue with his client.

Mr. Alberty stated that when the corridor site plan is approved by the City Council, then that is authorization to proceed for the processing for the subdivision plat. What has been done in the past, through policy that was established by his predecessors, was to allow the developer to proceed at this own risk with the plat because technically there is not an approval until the City Council acts on the application. Certainly the final plat should not be approved until the City Council has taken action in case it is approved differently than the approval given by the Planning Commission. This would double staff's time in review to take it back through the TAC and this is the reason staff is suggesting that this not be approved and should be continued.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that his client would like to assume the risk and have the preliminary plat approved. The reason for this is the timing and possibly have the corridor site plan and the final plat done at the same time. Otherwise his client would have to wait approximately 45 days through the platting process. If he is delayed then it would be October and November when the raining season would be starting. He reiterated that his client would assume the risk by having the preliminary plat approved today.

TMAPC COMMENTS:

Mr. Harmon asked staff if the applicant assumes the risk, then the only risk staff would have is man hours to review a second plan.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the preliminary plat for A Safe Place Storage Center, subject to the special and standard conditions per the staff recommendation and subject to the applicant proceeding at his own risk as recommended by the Planning Commission.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-718

Applicant: James P. Glass (PD-6) (CD-9)

Location: East of southeast corner of East 35th Place South and South Peoria Avenue

TMAPC COMMENTS:

Ms. Bayles stated that she has had ex parte communication on this case with her mother, who has been a Brookside resident since 1960.

Ms. Bayles announced that there are 22 interested parties signed up to speak.

STAFF RECOMMENDATION:

Z-6960 October 2004: Approval was granted to rezone the east 100' of the subject property from RS-3 to OL for office development.

Z-6944 July 26, 2004: The TMAPC and City Council approved rezoning from RS-3 to OL on the west 100' of the subject property.

PUD 488 June 1992: The TMAPC and City Council unanimously approved rezoning from CH, OL and RS-3 to CH/OL/RS-3/PUD to add a seven-lane drive-in to an existing bank north of the subject property. The TMAPC recommended increasing the proposed screening fence height to 8' and making the width of the landscaped area on the east boundary a minimum of 12'. The City Council concurred.

Z-6334 December 1991: All concurred in granting CH zoning on the west 12 feet and PK zoning on 38 feet on a lot abutting the subject property to the south.

PUD 474 November 1991: All concurred in granting a rezoning from RS-3 to OL/PUD 474 on a property north of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The property contains single-family residential uses, one of which appears to be vacant. It is partially vegetated, flat and zoned OL.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 35 th Place South	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is adjacent to a gasoline service station on the west, zoned CH; on the east by a single-family residential use, zoned RS-3; on the north by office and related parking uses, zoned PUD-474/OL; and on the south by parking and single-family residential uses, zoned RS-3 and PK.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as part of the Northern Brookside Business Area Special District. According to the Zoning Matrix, the requested OL/PUD **may be found** in accord with the Plan, by virtue of its location within a Special District.

STAFF RECOMMENDATION:

The subject property lies within the Brookside Business Area Special District, an area specified in the Brookside infill study to be in mixed commercial/office/higher intensity residential and related uses. The proposal is to place the buildings near the street and the parking on the interior, which is in accord with the plan (page 37, paragraph F.2). Overall Design Policies of the Plan (page 5, paragraph 1.A.(8) encourage high quality residential, office and commercial infill development in this area. The accompanying conceptual schematic shows buildings placed on the front property lines. [Note: The schematic drawings were not adopted by the TMAPC as part of the Comprehensive Plan, but were intended as illustrations and for guidance.] Policies in both the District 6 Plan and the Brookside study recognize that infill areas will be higher intensity and density than existing development and encourage provision of adequate infrastructure to accommodate that. This proposal includes provisions for pedestrian access, which is a key element in the Brookside study.

Therefore, based on the Comprehensive Plan, trends in the area and surrounding land uses, staff can support the requested supplemental zoning and therefore recommends **APPROVAL** of PUD-718, subject to the following conditions or modifications as may be recommended by the TMAPC.

1. The applicant's outline development plan and text be made a condition of approval, unless modified herein.
2. Development Standards:

PROPOSED DEVELOPMENT AREAS AND REQUESTED LAND USES

0.64 ACRES (28,000 SF) EXISTING SITE AREA
3,000 SF – OFFICE
17,000 SF – TOWNHOUSES

OFF STREET PARKING AND LOADING

OFFICE – 300 SF/SPACE REQUIRED
3,000 SF / 300 = 10 REQUIRED SPACES – 10 PROVIDED
TOWNHOUSE – 2 SPACES PER UNIT REQUIRED
8 UNITS X 2 SPACES = 16 REQUIRED – 32 PROVIDED

OPEN SPACE

TOTAL SITE AREA =	28,000 SF
TOTAL BLDG, FOOTPRINT =	11,827 SF
OPEN SPACE (including parking/drives) =	16,173 SF
% OPEN AREA =	58%

BUSINESS SIGNS

ALLOWED 1 PER STREET FRONTAGE
PROPOSED: 1 @ 32 SF (MIN. ALLOWED)

BUILDING HEIGHTS

ALLOWED 35' PER RM-1 ZONING
PROPOSED: 33'

BUILDING SETBACKS

NORTH: 0' AT 35TH PLACE (PROPOSED) – 35' BUILDING LINE SETBACK
PRESENTLY
EAST: 10' PROPOSED – 10' REQUIRED
SOUTH: 10' PROPOSED – 20' REQUIRED
WEST: 5' PROPOSED – 0' REQUIRED

DENSITY

TWO STORY OFFICE BUILDING TOTALING 3,000 SF
8 TOWNHOUSE RESIDENTIAL UNITS TOTALING 17,820 SF

PROPOSED LANDSCAPE AREAS AND SCREENING

2,890 SF PROPOSED LANDSCAPED AREAS ON THE PROPERTY – 10% OF TOTAL LAND AREA. PROPOSED SCREENING WALLS ON EAST AND SOUTH SIDES OF PROPERTY LINE PER GUIDELINES OF BROOKSIDE INFILL NEIGHBORHOOD DETAILED IMPLEMENTATION PLAN.

EXISTING TOPOGRAPHIC CHARACTER

THE EXISTING PROPERTY IS CURRENTLY DIVIDED INTO TWO RESIDENTIAL LOTS, EACH 100' X 140' IN AREA. EACH LOT HAS SINGLE-FAMILY RESIDENCES WITH EXISTING FOILAGE AND MATURE TREES. THE EXISTING TOPOGRAPHY IS RELATIVELY FLAT. THE PROPERTY IS NOT IN A FLOOD ZONE.

DRIVEWAY AND DRIVE LANES

DRIVEWAY WIDTH PROPOSED	24'	REQUIRED 26'
DRIVE LANE WIDTH PROPOSED	22'	REQUIRED 24'

3. Landscaping and screening shall be in compliance with the Development Standards, noted above and the PUD text.
4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each 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 or are to be installed within a reasonable period in accordance with the approved landscape plan for the lot, prior to issuance of a building permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC

and approved as being in compliance with the approved PUD development standards.

7. Flashing 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 area. Lighting standards shall not exceed 20' 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 any 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. Access and circulation shall be provided as delineated in the PUD Development Standards and text. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meet the City of Tulsa standards.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process and which are approved by the 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. In the non-residential areas 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 within this PUD.

TAC Comments for June 15, 2005:

Water: Fire – Provide 120' hammerhead turnaround or 20' wide emergency access at east of property. Sprinkled structures are an acceptable alternative. [Note: Applicant has indicated he will sprinkler the structures.] Other – Need water main extension that fronts property; SSID. Can extend water and sewer through center of property in restricted or utility easements. Can have one common irrigation tap for the common planting areas.

Stormwater: No requirement for detention as it appears no increase in impermeable surface is planned. Direction of stormwater to Peoria will be addressed in later phases. Need flat-surfaced drive so that water runs off in sheet.

Transportation: Recommend sidewalks on 35th Place. [Applicant notes that this is a pedestrian-oriented development.] Clarification regarding whether internal access is to be a public street, private street or driveway. [Applicant indicates it is a driveway and includes standards in PUD.]

Traffic: Continue the proposed sidewalk to the east property line. [Applicant notes agreement.]

Sanitary Sewer: Various alternatives discussed and will be reviewed in later phases.

TMAPC COMMENTS:

Mr. Ard asked if all of the living areas would be on the 1st and 2nd floor and the third floor is a terrace. In response, Ms. Matthews stated that the terrace is the only part of the structure that is on the third floor except for the stairway to the terrace.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that he is representing the applicant and is in agreement with the staff recommendation.

Mr. Moody stated that since there are several interested parties, he would like to make a presentation. Mr. Moody explained that one year ago he represented Dr. David Leifeste and Terry Donovan for an OL zoning next to the Sinclair Service Station at the southeast corner of 35th Place and Peoria. He was successful in rezoning the lot to OL in conformance with the Brookside Infill Study and the District 6 Comprehensive Plan.

Mr. Moody explained that Mr. Glass had acquired two lots, which combined with the two lots zoned OL previously, equals 200 feet x 140 feet. He indicated that Mr. Donovan approached his client about doing a development that would be more beneficial together than individually and would be innovative infill development that complies with all of the suggestions of the Brookside Development Plan. After several meetings, Mr. Glass and Dr. Leifeste and Terry Donovan formed a joint venture to develop the subject property. Mr. Moody cited the various developments that Mr. Glass has done in the past. Mr. Moody stated that Mr. Glass attended and participated in all of the meetings for the Brookside Infill Development Design Recommendations.

Mr. Moody stated that the proposals that have been submitted are in the area that is specifically designated as a business district. He commented that this is very important when considering this application and listening to the comments of the interested parties, because this determines the criteria and the guidelines recommended by the Brookside Infill Development Design recommendations as an amendment to the Comprehensive Plan that the Planning Commission

adopted, which states that any developer should follow for properties within these areas. The tracts of land under application fall within the boundary for the northern business development area. The other areas of the study are designated as the northern Brookside residential development area. This is critical because when one looks at what type of criteria for design should be followed, as recommended in the Brookside Infill Development Design, the beginning point is to determine where the property is located with respect to the plan. The subject properties clearly fall within the business development area and do not fall within the residential development area. This is important because the plan discusses specific policies that should be implemented in those areas. Mr. Moody submitted page 36 from the Brookside Plan (Exhibit B-6). Mr. Moody read from page 36, encouraging mixed-use development in the northern and southern business areas. Mix-use developments may include residential, office and commercial uses with the appropriate design solutions.

Mr. Moody stated that Mr. Glass decided to build an eight-townhouse development combined with the office use that Mr. Donovan and Dr. Leifeste planned originally. Five of the townhouses will front on East 35th Place with a 3,000 SF two-story office building in the rear (southwest corner) and three single-family townhouse dwellings at the rear of the subject property. The design incorporates some considerations for site that impels certain things to happen. One is that it is 200 feet wide rather than 200 feet in depth and it will create some space constraints. His clients felt that in order to have a better appearance and create a better pedestrian flow, traffic would be limited to one access point next to the Sinclair Service Station, which is zoned CH (Commercial High Density District). There will be one access point that will be the common drive area, which would go into the office building with parking and then into the rear of the townhouses. Each townhouse will have two-car enclosed garages and two parking spaces for their guests. The office building will have ten dedicated parking spaces for the offices and in the evening could be used for guest overflow for the townhouses. All of the common area will be a reserve area and each building will be on their own individual lots and separately owned by the owners of the lots and properties. There will be lots for the single-family townhouses. The PUD is asking for the approval of these to not have their access on a public street and have it on the private reserve easement area. The structures will be 33 feet in height, which is below the maximum height allowed in an RS-3 zoning, which is the adjacent zoning. The OL district, which is what the property is currently zoned, allows one-story buildings. Side yard setbacks in an RS-3 district are five feet and the subject property will have a ten-foot side yard setback from the east property line which will be a landscaped area next to the adjacent single-family. This is twice as much setback as required in the RS-3 zoning next door to the subject property. In addition, his client proposes to build a six-foot masonry screening wall. The OL district has a ten-foot setback for the front yard and the RS-3 zoning requires a 25-foot front yard setback and he is requesting a zero foot setback. He indicated that he is also requesting a ten-foot setback for the rear yard instead of a 20-foot setback. Mr. Moody cited the

differences between the adjacent RS-3 zoning setbacks and the OL district zoning setbacks.

Mr. Moody explained that this proposal is an urban townhouse design without driveways going into each townhouse from the front into garages. Now there are sidewalks in front with parking in the rear and there will not be six curb cuts and six garages visible from the front of the subject property. If he designed the frontage as the interested parties have requested there would be six curb cuts and six garages visible in the front. He explained that the proposal is based upon a California award-winning design. This plan is trying to encourage innovative and creative designs. There will be a ground entrance (pedestrian entrances), a sidewalk along 35th Place, no curb cuts, garages or driveways; the first two stories are the living areas and bedroom areas and on top of the second story there will be a terrace and the additional height or story is the stairway and a small area that could be a cabana for the deck area. It could be converted into an office or some type of small living area, but it is planned to be a landing area for the terrace. The interested parties were concerned that the proposed height would infringe on their privacy. He commented that he lives in a two-story house with a deck on the second story with a balcony. He explained that his neighbors also have balconies and they can all stand out on their balconies from their bedrooms and look at each other and into each yard. This very same thing is occurring all over Tulsa where there are single-family two-story homes with balconies and there is no real protection of privacy that is built into RS-3 single-family zoning. Every house has a 35-foot height limitation and there could be a deck on the top of the highest floor and look down on the neighbor. This proposal is not invading or changing anything that is not already present in an RS-3 district, but actually would be improving it. Under the RS-3 single-family district, the side yard is only five feet and he is proposing a ten-foot setback. An additional architectural feature is that there is an exterior wall on the east side to act as screening. The proposal will be screening the deck/terrace areas and all of these areas are on the western side of the buildings, so that people using them will not be looking down upon any of the residential area. He commented that one of the commercial buildings in the subject area is higher than the residential buildings that are being proposed (Fitso's is four stories). The orientation of the buildings will act as an effective screening from the single-family residential areas.

Mr. Moody stated that one of the other areas of primary concern was whether or not there will be a zero front yard as opposed to the 25-foot setback that would normally be required. He explained that if this is enforced, then it would ruin the innovative design and require driveways in the front, which detracts from the visual architectural beauty of the project. He commented that he doesn't believe that this is setting a precedent for anything in the subject area. Mr. Moody demonstrated other properties in the subject area with zero setbacks in the front yard and side yard with photographs (Exhibit B-1). He commented that there area numerous homes in the Brookside area that have zero setbacks and this

proposal would not set a precedent. The infill residential plan contemplated that there would be townhouses built in the subject area with flexible front yards and would not have a standard straight-line front yard.

Mr. Moody stated that the terrace is on the second level or second floor and is shielded from the west. Each unit is 2,046 SF and 2,400 SF, which will be priced above \$300,000.00. This will be a low intensity use and very compatible with the subject area. He directed the letter received from Steve Carr, Urban Development Department, City of Tulsa (Exhibit B-2).

TMAPC COMMENTS:

Mr. Midget asked Mr. Moody if the top of the building is the maximum height of 33 feet. Mr. Moody stated that 33 feet is to the top of the architectural element. The actual terrace line is 22 or 23 feet in height and that is the highest anyone would be able to stand.

Mr. Harmon stated that he received some feedback that perhaps the neighborhood hasn't been kept as well informed as they would have liked to have been. He asked Mr. Moody how many public meetings were held and how much participation.

Jim Glass, 1318 East 32nd Place, Tulsa, Oklahoma 74105, stated he worked with INCOG for approximately one year on the initial plan in order to make sure that he had a compatible plan with the guidelines. He explained that he didn't want to go public with the proposal or approach anyone until he was assured that he was meeting the guidelines. He didn't want to have a plan out that wouldn't be a final approved version, and then have to start over. Once he had met the guidelines, and at the encouragement of Councilor Neal, he had a meeting with the Brookside Neighborhood Association President, Phil Marshall and Vice-President, Herb Beattie. He explained that he met with staff and the Technical Advisory Committee as well. There was a meeting requested by the neighborhood association and he made a presentation at that time. He indicated that the neighborhood association requested a continuance of the subject proposal from the TMAPC and he agreed and met with the neighborhood association one more time and it resulted in some questions being asked.

Mr. Glass stated that he would like to make it clear that it was important, he believes, that there not be a plan before the neighborhood association that he wasn't certain met all of the guidelines and would be approved by staff. He commented that until that occurred, he didn't try to contact and get the plan out nor contact people. He wanted to make sure that his proposal would be approved by the guidelines, staff, and TAC.

Mr. Harmon stated that it appears that the applicant has had very limited contact with the neighborhood. The Planning Commission prefers to see that the applicant involve the neighborhood association as the plan is being developed.

The Planning Commission doesn't recommend developing something then bringing it to the Planning Commission without exposing it to the next door neighbors.

Mr. Glass stated that he did expose his plan to the homeowners association. He explained that once he knew he had a plan that could be confirmed by INCOG and recommended by INCOG, and when he knew he had a plan that could be approved and supported by TAC, then he presented it to the neighborhood association officers and members on three occasions. Otherwise, he would be talking about a plan that he isn't sure could be presented before the Planning Commission for approval that was recommended by staff. He commented that he has never submitted plans that have not gone through staff and TAC first.

Mr. Harmon stated that if it is his understanding, Mr. Glass was invited to attend some meetings, but he never instigated any meetings on his own. In response, Mr. Glass stated that his statement is incorrect. Mr. Glass further stated that he instigated the meeting to meet with the Brookside Neighborhood Association Officers initially. At the City Council office with Councilor Susan Neal, Steve Carr, Phil Marshall, and Herb Beattie, he met and presented his plan and discussed it at length with every aspect and every detail and answered every question. He was then asked to appear a week later at a meeting that was being called, he presumed by the neighborhood association, in the evening at the Trinity United Methodist Church to present his plan. Mr. Glass indicated that he also contacted the Brookside Business Association and asked to attend their meeting in order to make a presentation of the plan. His cell phone number is on the application and he has made every effort, other than going from door to door. Mr. Glass concluded that he genuinely made every effort to make this plan as transparent as possible and he is very proud of this proposal. He explained that he has been working since August of 2004 to make this plan conform to the District 6 Plan, the Comprehensive Zoning Plan and the Brookside Infill Plan.

Mr. Midget stated that he knows that Mr. Glass has been involved with the Brookside Infill Study from its inception. Mr. Midget asked Mr. Glass how many meetings and how long the process took, with the understanding that he was working within the guidelines. Mr. Glass stated that the original Brookside Infill Task Force was commissioned in 1999 and the study was finally adopted in 2002. The Brookside Neighborhood Association endorsed the study and emphatically wanted it adopted. Every past president of the association was a co-chair of the task force. There were over 70 task force members and there was an enormous amount of input. It is not acceptable to have someone finally ready to implement the plan, which has had four years of input, and not support it.

Mr. Ard asked Mr. Glass if he could give some comparison of building heights in the subject area. Mr. Glass stated that immediately adjacent to the subject property to the north would be the Courtyard Shops and it is one story. It does

have a zero front yard on 35th Place. Next is the Consortium and is primarily would be a typical two-story structure, but over about 30 percent of it is where there is a two-story (24' high) metal box. In a typical commercial development, there is usually 12 feet from floor to floor, and this is actually about 48 feet to the top of the building (four levels). The Arvest Bank renovation is one story with a typical twelve to thirteen foot ceiling height. The Brook Theater was a two-story structure and after renovation, it was a full two-story level building (26-feet) and zero setback from the street.

Stacey Bayles stated that the Planning Commission received a packet of letters of support (Exhibit B-2). Ms. Bayles asked Mr. Glass if he had a problem with incorporating the TAC conditions into the site plan. Mr. Glass stated that he did not have a problem with the recommendations from TAC. Mr. Glass further stated that he has elected to sprinkle as opposed to the hammerhead.

Ms. Bayles stated that the approval of this PUD would not be an endorsement of the conceptual layout that was submitted in the packet.

Ms. Bayles stated that she believes that the Planning Commission has done a poor job of implementing the subcommittee as recommended in the Brookside study. Clearly this is the first case that the Planning Commission has seen of significant scope that really gives reference to the task force plan. She apologized for the Planning Commission not doing their due diligence with regards to that subcommittee.

Mr. Glass stated that he doesn't know exactly how many people attended the evening meeting, but the room was full and the media had been contacted as well. Apparently notice was given for the meeting and he was requested to be present to make a presentation, which he did. He commented that he really didn't have the opportunity himself to schedule a meeting, but there was one asked to be scheduled for him and he attended, or otherwise he would have scheduled a meeting.

Ms. Bayles commended Mr. Glass for his past developments in the subject area. She stated that past developments have resulted in a rejuvenation of the neighborhood.

Ms. Bayles stated that there are 22 individuals listed as interested parties and they will have three minutes each to speak.

INTERESTED PARTIES:

Brad Gemeinhart, 1433 East 37th Place, Tulsa, Oklahoma 74105, stated that he owns a small business in Brookside at 3716 South Peoria. He indicated that Mr. Glass met with the Brookside Business Association and presented his plan. He commented that the association approves of this plan because of its high-end residences that will be developed and how it brings in tax revenue for the City,

which is good for Brookside and the entire city. This project encourages private development and will bring in other private development.

Mr. Gemeinhart stated that Brookside is going through a transition and many of the homes are being renovated. This plan would continue this transition.

Mr. Gemeinhart commented that there are some who believe that this project will impact the parking situation on Brookside, but this plan would not negatively impact the parking situation. Because the parking is in the center of the subject property, it would actually help the situation.

Mr. Gemeinhart indicated that he is the co-chair of the Brookside Infill Task Force and he supports this PUD because it meets and exceeds what was requested in the study. It meets the setbacks, minimum height requirements and encourages private funding for development as opposed to public funding. It helps in developing some of the blighted areas and it is classic infill development. He commented, as a resident and homeowner and a member of the Brookside Association, he likes this development because it protects the privacy by blocking the terraces into the other subject properties. Development of this nature increases the property values for everyone and it increases the popularity of the area by developing the urban feel without destroying what has been created in Brookside. He strongly encouraged the Planning Commission to approve this PUD.

Phil Marshall, P.O. Box 52011, Tulsa, Oklahoma 74152, President of the Brookside Neighborhood Association (BNA), stated the association is challenging the waiver of the front yard setback. Mr. Marshall read the Brookside Infill Study to the Planning Commission regarding front yard setbacks. He commented that he doesn't believe Mr. Glass's project qualifies for a zero lot line because it is 80 percent residential construction and 15 percent business construction. Mr. Marshall read the residential development section from the Brookside Infill Study. He commented that existing residential structures should be remodeled when possible and new structures should be designed to fit in with the existing neighborhood including that the setbacks align with the existing residences. He stated that he believes that PUD-718 will set the standard for future development and if approved, it would set a bad precedent for all of the side streets on Peoria. Mr. Marshall requested that this application be denied.

Ms. Bayles asked Mr. Marshall if there was any discussion at the BNA meetings regarding what would be allowed under a PUD and the consideration of the residential aspect with the OL. Mr. Marshall stated that the BNA likes the existing zoning of OL and would go with the set backs that apply to that.

Karen Keith, 1348 East 35th Street, Tulsa, Oklahoma 74105, stated that her property is located at 35th and Quincy. She commented that she is present today as Karen Keith, resident of Brookside. She stated that she is thrilled that the

development will be residential development on the business side of the line. As a homeowner, in the past, she has had to fight to keep the lot next door residential. Encroachment of business into the neighborhood has been a concern of hers. She believes that these high-end homes will be wonderful for everyone's properties values. Both the homes and the office buildings will be great assets for all of the businesses in the subject area. Ms. Keith stated that all of these residential homes, as well as the proposed business, will feed into all of the Brookside businesses and making them more successful.

Ms. Keith stated that the parking setup is a good plan and will keep the view of the driveways and cars hidden inside of the development. She indicated that the height of the buildings is not offensive and she lives in a two-story home. This will not be out of scale with the rest of the neighborhood. A 13-foot front yard is a great plan and she strongly urges the Planning Commission to approve this PUD.

Rebecca Bryant, 1303 South Houston Avenue, Tulsa, Oklahoma 74127, representing Tulsa Now, a citizen based grass-roots non-partisan organization made up of volunteers who are concerned with the livability and vitality of Tulsa. She indicated that Tulsa Now would like to publicly support this project for the following reasons: 1) it conforms to the spirit of the Brookside Infill Task Force; 2) conforms to the Brookside Neighborhood Plan; 3) conforms to the principles of form-based codes, which is something that Tulsa Now is a proponent of; 4) it will stimulate a walkable urban environment and use land efficiently (due to the zero setbacks); 5) the development faces the street with garages and parking in the back, which places humans over cars; 6) mixed-use environment; 7) will provide an attractive buffer for the neighborhood from the commercial properties, which are adjacent to it; 8) the proposal includes streetscaping and landscaping and is very appreciated, and 9) it delivers appropriate urban density, which will contribute to the vitality of Brookside.

Ms. Bryant read a statement from Chris Zenthoffer, representing Young Professionals of Tulsa, 624 South Boston, Suite 600, Tulsa, Oklahoma 74119, indicating his support of the PUD.

The following deferred their time to Guy deVerges: Diane Wehrenberg, 1016 E. 32nd Place, 74105; Carolyn Rumsey, 1509 E. 35th Place, 74105; Lee Nelson, 1233 E. 32nd Street, 74105; Rebecca Fuhrman, 1419 E. 35th PI, 74105; John Judd, 4359 S. Trenton, 74105; Shawn Brett, 1416 E. 35th St, 74105; John Vaughn, 1321 E. 36th St, 74105; Audrey Nord, 1419 E. 35th PI, 74105; Anita & Adolph Brazinsky, 1339 E. 35th PI, 74105; Ben Taylor, 1336 E. 35th PI, 74105.

Kathryn Hall, 1508 E. 34th St, 74105, requested that her name be removed from the list.

Guy deVerges, 1343 E. 35th Place, Tulsa, Oklahoma 74105, represented a group of Brookside neighbors who are opposed to the subject PUD. Mr.

deVerges indicated that Pam Deathrage helped him prepare this opposition. Mr. deVerges explained who his group was and what issues they are concerned with in the Brookside neighborhood. He explained that his group is pro-development and believe that mixed-use opportunities are good, but not at the cost of the current residents. He indicated that there are 60 to 75 residents of Brookside what are opposed to PUD-718 and he will deliver 38 protests forms to INCOG today. There are already five in the file. Mr. deVerges submitted a map indicating lots between Peoria and Trenton that are opposed to the subject development (Exhibit B-3). Mr. deVerges submitted various exhibits with boundary maps, guidelines, pictures, etc. (Exhibits B-1 through B-6). Mr. deVerges read from the Brookside Infill Study and the Zoning Code.

Mr. deVerges explained that he is opposed to the subject PUD and he represents several residents in opposition as well. Mr. deVerges opposes to the setbacks, the height of the proposed buildings, and traffic and noise. He is concerned that this proposal will set a precedent and is inappropriate development for infill planning. He considers this proposal a monolithic development and it should be avoided. He is concerned that the proposed buildings will not have peaked roofs. Mr. deVerges commented that the proposal will not meet the landscaping requirements, off-street parking requirements and that the dumpster would block parking spaces. He stated that no other PUD on North Brookside has requested or granted zero setbacks on a non-arterial street.

Mr. deVerges stated that he and his neighbors would appreciate a PUD with the following modifications: 1) 25-foot setback on 35th Place; 2) 25-foot setback between the multifamily and the RS; 3) two-story multifamily structure; 4) retain the large mature trees on the east property line for screening; 5) notify the interested parties about any minor and major modifications of this PUD.

Mr. Carnes asked Mr. deVerges what the setback is for the existing building on the west of the subject property on 35th Place. In response, Mr. deVerges stated that it is 35 feet and to the east it is 25 feet or more.

Mr. Jackson asked Mr. deVerges what his reasoning would be for having a larger front yard setback for the proposal since the garages and parking would be in the back or not on the street. Mr. deVerges stated that all of the houses along 35th Place are set back and then this monolithic structure would have zero setbacks, which would change the look of the street. He commented that his garage was in place prior to his purchase and is probably nonconforming. He listed several other properties that have garages next to the street that are nonconforming. He indicated that comparing his garage to the proposal is like comparing apples to oranges.

Mr. Harmon stated that the dumpster and loading zone are appropriate things to bring up. Mr. Harmon asked Mr. deVerges if the Brookside Infill Plan has something in it that causes him to think that a flat roof would not be appropriate

for a residence. In response, Mr. deVerges stated in order to keep the theme and character of the neighborhood it would require a peaked roof. He commented that a two-story flat roof building would be more appropriate in his neighborhood.

Randy Westbrook, 3951 South Delaware Avenue, Tulsa, Oklahoma 74105, stated that he is with Westbrook Architects and he is working with the owner to design the 35th Place development project. His goal has been to create a project that is pedestrian focused instead of vehicular-focused and to provide an effective transitional buffer between the CH zoning along Peoria to the west and RS-3 zoning to the east. To accomplish his goal of creating a pedestrian-focused project, he designed the site in a way that provides only one driveway in and out of the site. The access to the subject site is located closest to the CH-zoned area. This would eliminate the idea of multiple driveways lining the south side of 35th Place, which would clearly violate the concept of pedestrian-focused design. The project provides sidewalks and landscaping features all along 35th Place adding to the pedestrian focus of the project. The office building is located on the west end of the site (adjacent to the CH zoning) and the housing units on the east end of the site (adjacent to the RS-3 zoning) to provide a transitional buffer between CH and the RS-3 zoned areas.

Mr. Westbrook stated that less than a 1/3 of the front elevation is 33 feet tall. He explained that 2/3 of the front elevation is 25.6 feet tall, which is close to ten feet shorter than the allowable RS height adjacent to the project. This is not a monolithic design. Monolithic means a big box and the subject proposal is a cubic-type design with elements moving in and out. He indicated that the front elevation of the building is 25.5 feet on a majority of the space and then up to 33 feet for a width of 8.4 feet. He believes that the proposal accomplishes the goals of being pedestrian-focused and providing an effective transitional buffer. He requested approval the project.

Mr. Bernard asked Mr. Westbrook if the elevation of eight feet is for the east and west. In response, Mr. Westbrook stated that the element at the top of the building is only 8.4 feet wide and then the balance of the unit is at a handrail height, which is 25.6 feet. Mr. Westbrook reiterated that the proposal is not a monolithic box that is 30 feet tall and the majority of the front of the building is only 25.6 feet in height.

People absent whom signed up to speak: **Lynn and David Fulps**, 1411 East 36th Place, Tulsa, Oklahoma 74105; **John Evans**, 1330 East 33rd Street, Tulsa, Oklahoma 74105; **Joyce Allen**, 1330 East 33rd Street, Tulsa, Oklahoma 74105; **Jamie Sicking**, 1415 East 34th Street, Tulsa, Oklahoma 74105; **Jim Maxey**, 1240 East 32nd Street, Tulsa, Oklahoma 74105.

Herb Beattie, 3424 South Zunis Avenue, Tulsa, Oklahoma 74105, stated that he agrees with everyone. There are some parts of the project that he likes and

there are some things that concern him. He indicated that what concerns him the most is the process with regard to the developer meeting with the neighborhood representatives prior to formal application for a PUD as recommended in the Brookside Infill Study guidelines. He indicated that he wasn't aware of any proposals until he received a phone call from Guy deVerges after the yellow notice signs were placed on the subject property. He commented that he first met with Councilor Neal and Mr. Glass and then met with Mr. deVerges and angry neighbors. He stated that the association did have a meeting and invited Mr. deVerges and the neighbors who were present at the previous meeting. Mr. Beattie further stated that there was never really a neighborhood meeting. He indicated that he tried to get Mr. Glass to negotiate some issues and these things were not negotiable.

Mr. Beattie stated that he has gone to several meetings regarding this project and this is the first time he has seen the proposal today with trees. After discussing this proposal with Steve, he learned that there would be approximately 13 feet of yard from the curb. If there is 13 feet between the curb and the front of the house, then there is room to have some reasonable vegetation and this makes all the difference in the world. He commented that he doesn't believe that the process worked and he doesn't know what to ask the Planning Commission to do this afternoon or what they can do this afternoon. There should be a process in place where developers can meet with concerned neighborhoods and have reasonable conversation, as opposed to confrontational situation like this has been from the beginning.

Mr. Jackson asked Mr. Beattie if he would give the top three points that he would like the developer to amend. In response, Mr. Beattie stated that he would like to understand what the vegetation would look like. Until today he thought that there would be nothing between the curb and the houses. Mr. Jackson stated that now it is known that there will be green space. Mr. Beattie stated that the other concern is what the exterior surfaces would look like. Mr. Beattie commented that he went to all of the meetings and never saw anything until today. Mr. Jackson stated that he understands Mr. Beattie's questions and he would like to answer those questions today. Mr. Jackson explained that the proposal is for a stucco wall surface. Mr. Beattie stated that he personally likes the stucco, but he doesn't believe he should speak for the neighbors. Mr. Jackson stated that he is trying to help Mr. Beattie with his questions and is not expecting him to speak for the whole neighborhood. Mr. Jackson stated that there will be grass and plantings in the front yards; there will be a stucco veneer on the building and 35th Street has a 50-foot right-of-way and 13 feet of that is half of a lane and there is another 12.5 feet to the property line from the curb. Mr. Jackson further explained that 12 feet in from the curb is where the property line begins. The other 12 feet, plus 13 feet, is half of the 50-foot right-of-way.

Mr. Midget stated that where the fences are located is the lot line. Mr. Beattie asked who would manage the twelve feet. In response, Mr. Jackson stated that

the property owner is responsible for the 12 feet. The City gives you a license to mow the right-of-way. Mr. Beattie asked if the 12 feet is negotiable. In response, Mr. Midget stated that the 12 feet is "no man's land". Mr. Beattie stated that what is in front of the home and between the curb is very important. Mr. Beattie further stated that this type of conversation should have taken place before coming to the Planning Commission and having a confrontational conversation like today.

Mr. Jackson explained to Mr. Beattie that typically in a PUD application, there will be a time when the applicant will have to submit a detail site plan and it will have the landscaping diagrams with it. That will show the types of trees, shrubs, etc. that will be utilized.

Ms. Bayles requested that Mr. Marshall come back to the podium.

Ms. Bayles stated that there were five issues in Mr. Marshall's faxed letter to the Planning Commission that she would like him to refer to. In response, Mr. Marshall stated that he did meet with Mr. Glass on the five issues and if he would agree to the five issues listed. Mr. Marshall further stated that Mr. Glass informed him that several of the issues would be addressed by the PUD and were suggested by INCOG staff. Mr. Marshall indicated that he requested that the stucco be true stucco and not siding, which Mr. Glass stated that he does like to do a first-class job and it would be very nice. The siding is a little less quality than true stucco. The Brookside Neighborhood Association Board would like to be included in the decision of the detail, landscape and screening plan. On the development standards, he would like a detail site plan on each lot. He commented that he would like to have a detailed landscape plan for the residential lots. He further commented that he would like the 20-foot high light pole eliminated and Mr. Glass indicated that he prefers to do in-ground nightscaping lights. He requested that the BNA be informed of any minor or major amendments on the PUD.

Mr. Marshall stated that he would like to address Mr. Harmon's question regarding meetings with Mr. Glass. The first he heard about the proposal was through Councilor Neal and she was able to facilitate a meeting with Mr. Glass, Mr. Beattie and himself. Mr. Marshall concluded that the unwritten policy of letting the BNA know about future development was ignored. He commented that the photographs Mr. Moody showed with zero lot lines is misleading because the homes are on corner lots with the front address of the lots meeting the requirements by being 35 feet from the property line.

Mr. Bayles asked Mr. Marshall if he is opposed to the same issues that Mr. deVerges is opposed to. Mr. Marshall stated that he opposes the setback, but he doesn't have any objection to the height since it meets the Code.

Jamie Jamison, 706 South Owasso, Tulsa, Oklahoma 74120, Village at Central Park, stated that he is present to support this PUD. He commented that he

believes that the developer has worked well with the requirements of the neighborhood plan. It appears to conform to the 1999 Task Force and conforms to the principles of form-based codes.

Mr. Jamison commented that the proposal stimulates a walkable environment and uses land efficiently. He indicated that he supports the mixed use and it provides a buffer between the commercial strip and the residential neighborhood. Once this is built he suspects that the neighbors will feel differently about it. He commented that the proposal delivers an appropriate urban density. This proposal is preferable to a paved parking lot for off-street parking.

Mr. Jamison stated that separating the homes and having gaps between them doesn't create open space because it is asphalt. The way the street frontage has been put together is good and there is a solid, dense frontage. With the one access on the side, it is a good design solution. This is a city environment and being able to see other people's homes is something one expects. People rarely stare into neighbor's back yards because it is not an interesting site. He commented that he is puzzled about the comment of increased noise. This development is a wonderful buffer between a commercial area and residential neighborhood. Zero setbacks in an urban setting are a very good thing. He indicated that his development at the Village of Central Park is done similarly with ten-foot front yards and then a sidewalk.

Mr. Jamison commented that he would like to reject the description of the proposal as being monolithic. The City of Tulsa needs sensitive, well-designed urban infill and the proposed density is a good example. If this development is rejected then the City of Tulsa is in trouble as a city.

Mr. Midget asked Mr. Jamison if his development on 8th Street has the same depth as the proposal. In response, Mr. Jamison stated that from the curb he has four or five feet of green, then a sidewalk and then front yards that are between ten and fifteen feet (depending on the elevation of the home).

Ms. Bayles requested Mr. deVerges to return to the podium.

Ms. Bayles asked Mr. deVerges if the letter dated June 15, 2005 from Pam Deatherage is the last comment received from Ms. Deatherage. In response, Mr. deVerges stated that it is not the last comment received. He explained that he had several emails and communications and she helped him with the presentation he delivered today. He commented that he doesn't believe she would have let him give this presentation if she didn't agree with it.

Applicant's Rebuttal:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that the proposal is inside the business development guidelines area. The

special district is very clear as to what type of developments are encouraged (read pg. 9 of the development guidelines).

Mr. Moody stated that the interested parties referred to the proposal as being in the RM-1 and multifamily project; however, it is not. This is an RT residential townhouse development and it is defined in the Code under definitions as a subdivision containing at least three townhouse lots, which is what is before the Planning Commission today. The proposal is for single-family residential lots and the only difference is that they will have a zero side yard with a common party wall. They are not the multifamily structures that Mr. deVerges discussed. Multifamily apartment buildings contain 300 to 400 dwelling units and are three stories high and that is referred to in the Code as RM-1 with larger setbacks. The proposed single-family units can only be occupied by one family. Mr. Moody compared this proposal to a similar development called Pebble Creek (71st and Harvard) that has single-family units that are only separated by six inches of air space between the buildings.

Mr. Moody pointed out that Mr. deVerges kept referring to the section in the guidelines that is for the residential portion of infill development and not the business portion, which is a mixed-use development where the following are allowed: zero side yards, multifamily, single-family residential, office, and commercial. He reiterated that the proposal is mixed-use and he is providing a buffer between the commercial and the existing residential. The design criteria from the study was used for showing an example, and it is conceptual only, for residential infill in the residential boundary, which this proposal is not in. He commented that Mr. deVerges failed to point out that example shows townhouses with driveways off of minor streets and not arterial streets. The example also shows that the fronts of some of townhouses project beyond the single-family homes on the conceptual plans from the guidelines. Therefore, it was contemplated in the residential areas that there would be a variance in those setbacks to accommodate innovative and creative types of developments.

Mr. Moody stated that the professional staff is best able to advise the Planning Commission as what the intent of the infill development policies were. Staff has recommended approval of this application and finds that, overall, this project is in accord with the plan. He reiterated that Steve Carr, Publics Work and Development Department, who worked with the Brookside Neighborhood to develop this plan, has written a letter indicating that the proposal is in compliance with the design guidelines set forth in the Brookside infill development design recommendations. Mr. Moody read an email from Steve Carr to Mr. Penny regarding zero setbacks regarding residential development in the northern business area (Exhibit B-2, B-4). Mr. Moody summarized that the email points out that the guidelines did not exclude zero setbacks for residential development in the northern business area. He commented that the RS-3 zoning has a 25-foot setback and the 35-foot setback referenced by Mr. deVerges is an old plat

setback and is no longer enforceable. If the houses were torn down today they could be rebuilt with a 25-foot setback in the RS-3 district.

Mr. Moody stated that if this application is denied and he was forced to go back to the OL zoning and the office with the infill development and the parking lot guidelines, then next to the existing RS-3 there would be a screening wall with three feet of landscaping and the parking lot for the offices. This could be done without any further approvals and a permit could be issued. He indicated that with the proposal his client would be providing ten feet of landscaping and there would be a detail landscape plan submitted that has to be approved by the Planning Commission. His client would be providing three times the setback and landscaping that is required under the existing zoning of the property and the designed guidelines.

Mr. Glass stated that he appreciates the Planning Commission's time. He reiterated that this is an innovative and new design for Tulsa. He commented that this type of plan is long overdue and it was contemplated that this was the kind of plan and project that within the northern business area would be acceptable. He explained that the setbacks for the residential district are not required for this plan because it is in the business district. He reiterated that he served on the Task Force and he believes that this type of proposal was contemplated for the subject area. The Brookside Plan took five years to create and now he has come before the Planning Commission to implement the plan, which he relied on. He explained that he discussed this proposal with various staff members at INCOG and the City of Tulsa and studied the plan before submitting the plan. He stated that he didn't go to the neighborhood with his plan until he was assured that he had followed all of the guidelines. There was no confrontation here today and he opened the plan up to the public once it was properly time to do so and not before. He stated that he never rejected an invitation to meet and discuss this plan that he worked on for over one year and is proud to present before the Planning Commission today. He commented that he doesn't feel that there is any confrontation here today.

TMAPC COMMENTS:

Mr. Midget stated that he understands infill and he was member of the Brookside Infill Task Force, plus he participated in the 6th Street Corridor and the Brady District Plan. This is the type of infill development project that was discussed years ago to encourage entrepreneurs to undertake. Tulsa is almost at its boundaries and it is important to look at new innovative ways in order to continue to have growth inside the Tulsa community. What Mr. Glass has proposed is an innovative approach to some of the infill requirements that have been set up in the Brookside Infill Development Plan. The entire Brookside neighborhood businesses and residents put a lot of effort and time into the study to make sure that infill development is not harmful to existing residences in the area. Mr. Midget stated that he doesn't see anything wrong with this development. He commented that it is unfortunate that the process didn't start out like perhaps the

plan had stated, but he understands some of the problems where, if he were the developer, he would need to meet with the neighbors before formally making an application. Having said that, this is the first project of this type and it would be unfair to punish the developer because that aspect of the process didn't work well. The intent to make a good project was present and from the development that has been proposed, he believes that it is compatible. He commented that he doesn't see anything that would be injurious to the subject neighborhood and he hopes that with this type of development, there would be more similar infill developments in the City.

Mr. Midget stated that a six-foot screening wall could be placed on Quincy and that wouldn't be attractive and it wouldn't accomplish anything. It is unfortunate that the project has been characterized as a multifamily project and he is glad that Mr. Moody pointed that out because it is a townhouse with individual lots and owners, which the Zoning Code differentiates. He stated that as a strong proponent of infill development, he hopes that the Planning Commission looks at this project as it has been presented today and he would be voting in favor of motion to support this project.

Mr. Jackson stated that he would like to applaud both the developer and the interested parties from the neighborhood association. Both parties presented a good case. He commented that he is a staunch proponent of urbanization and using mixed use developments. He stated that he was happy to see the Village at Central Park that took a strong move forward to introduce that type of mixed use development to the City of Tulsa. He indicated that he supports Mr. Glass's proposal to do the same thing in the Brookside area. There is no negative impact by having a zero front yard because there will be some green space, and during the detail landscape plan phase, the types of turf and trees could be identified. A project of this financial magnitude will have more than two boxwoods and grass over-seeding. The highlight of this is that it will be located in the business district and that it is not RM but RT with single lots in a townhouse development.

Mr. Jackson made a motion to approve PUD-718 based on staff recommendation and opened the floor to discussion.

Ms. Bayles asked Mr. Jackson if he would include in his motion that all of the conditions from TAC be included in the approval and that the conceptual plan is not endorsed and will be done during the detail site plan review.

Mr. Jackson agreed to Ms. Bayles' additional language to the motion and Mr. Midget second the motion.

Mr. Harmon stated that he believes the plan, as it has been developed, is a good plan and is appropriate. This is one of the first developments to come up and he can understand why some people state that it complies with the infill plan and

some say it doesn't comply. There is a lot of interpretation to do and he does appreciate the work that has gone into this proposal. He commented that he is disappointed that this is an experienced developer and experienced attorney who didn't take the time to communicate with the neighborhood as they could have. Overall, he approves of the plan and he will support it.

Mr. Bayles concurred with the comments of her fellow commissioners. She stated that the reason why she went back to page 6 on the Brookside Plan to discuss the unwritten policy that obligates a meeting to be held by developers with neighborhood association representatives prior to formal application is because she believes this would have brought about some of the concerns and alleviated them, which Mr. Beattie spoke directly to. Ms. Bayles indicated that everyone who signed up to speak today will be notified of further development of this plan and their opinions will be heard, recognized and incorporated into the development of this plan. The interested parties should speak to Mr. Glass directly. She encouraged the members of the Brookside Neighborhood Association and those who served on the task force to establish a subcommittee to continue to refine what will obviously be the implementation and development issues in the future. She indicated that she too will be supporting this application today.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of PUD-718, subject to the TAC recommendations being included in the conditions, subject to the conceptual plan layout not being endorsed today and will be addressed during detail site plan and landscape plan review per staff recommendation.

Legal Description for PUD-718:

Lot 6, the East 50' of Lot 5 and the West 50' of Lot 5, Block 4, Oliver's Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the southeast corner of East 35th Place South and South Peoria Avenue, Tulsa, Oklahoma, **From** OL (Office Low Intensity District) **To** OL/PUD (Office Low Intensity District/Planned Unit Development).

* * * * *

Mr. Midget out at 4:16 p.m.

ZONING PUBLIC HEARING

Application No.: PUD-717

IL/AG to PUD

Applicant: Charles Norman

(County)

Location: Southwest corner of East 116th Street North and U.S. Highway 75.

STAFF RECOMMENDATION:

CZ-343 August 2004: A request to rezone an 18-acre tract located in the southwest corner of East 116th Street North and North Memorial Drive from AG to IL for commercial and industrial use was denied.

CZ-335 April 2004: A request to rezone a twenty-acre tract located on the southeast corner of East 116th Street North and North Yale Avenue from AG to IL or CG for a metal fabricating business was approved for IL on the west half of the tract. The balance of the property remained AG.

CZ-333 January 2004: A request to rezone the subject property from AG to IL or CG was filed. Staff recommended denial of both the IL and the CG as the property was designated as a Corridor Intensity- Agricultural district. The request was amended by the applicant to rezone the north 660 feet, leaving the southern portion of the tract AG. All concurred in approval of IL zoning on the north 660 feet.

CZ-328 and CZ-329 November 2003: Requests were filed to rezone two separate five-acre tracts from AG to CS. One tract was located on the northeast corner of East 96th Street North and Highway 75 and the second tract was located on the northeast corner of 106th Street North and Highway 75. Both requests were withdrawn by the applicants upon determination that both properties had street frontage but did not have rights-of-way to access.

CZ-325 August 2003: A request to rezone a 2.5-acre tract located on the southeast corner of East 146th Street North and Highway 75 from AG to CS was denied. The site did not qualify as a Medium Intensity node under the terms of the Development Guidelines.

CZ-324 August 2003: A request to rezone a 342-acre tract located south and east of the southeast corner of East 146th Street North and Highway 75 for residential development was approved for RE zoning.

CZ-264 May 2000: A request to rezone a 3.4-acre tract located on the northwest corner of East 96th Street North and Highway 75 North from RS to CS was approved for CS zoning on the south 150' with the remainder remaining RS.

CZ-173 June 1989: A request to rezone a 12.6-acre tract located in the southeast corner of East 106th Street North and U. S. Highway 75 and extending south along the Highway 75 right-of-way for approximately 1,463 feet for automobile sales. All concurred in denial of CG zoning and CS zoning was approved in the alternative.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately twenty-two acres in size and is located on the southwest corner of East 116th Street North and Highway 75. The property is gently sloping, non-wooded, contains a barn and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 116 th Street North	Secondary arterial	100'	2 lanes
U. S. Highway 75 North	Freeway	Varies	4 lanes

UTILITIES: The subject tract is served with water from a rural water system and sewer would have to be through a septic system or some alternative.

SURROUNDING AREA: The property is abutted on the north by vacant property, zoned AG; to the south and west by single-family homes on large acreages and zoned AG; and to the east by the highway right-of-way, zoned AG. Farther east across the highway is an auto salvage yard recently rezoned to IH in Tulsa County.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the property as Corridor Intensity-Agricultural. According to the Zoning Matrix, the requested rezoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Despite the proposal's not being in accord with the North Tulsa County Comprehensive Plan, staff can support the proposal. Development trends in the area seem to indicate against the plan's designated agricultural use. The location on major roadways appears appropriate for the proposed uses and therefore staff recommends **APPROVAL** of PUD-717, subject to the following PUD conditions:

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

B. Wall signs other than directional signs shall be permitted only on the north, east and south-facing building walls and shall not exceed 2 square feet of display surface area per lineal foot of building wall to which attached. No west-facing wall signs shall be permitted.

LIGHTING:

All parking lot lighting and building-mounted signs shall be directed downward and away from adjacent residential use areas and the westerly boundary of Development Area A.

Light standards shall not exceed 30 feet in height.

SCREENING:

A six-foot high screening fence shall be constructed along the westerly boundary of Development Area A as development occurs.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

DEVELOPMENT AREA B

DEVELOPMENT STANDARDS

LAND AREA:

Net	14.68 Acres	639,485 SF
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PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; Use Unit 11, Offices, Studios and Support Services; Use Unit 16, Mini Storage; Use Unit 17, Automotive and Allied Activities; Use Unit 23, Warehousing and Wholesaling; Use Unit 25, Light Manufacturing and Industry, and uses customarily accessory to permitted uses; Use Unit 4, Public Protection and Utility Facilities – Antennas and Supporting Structures only shall be permitted in the west 600' of Area B, subject to the approval of the Tulsa County Board of Adjustment.

MAXIMUM BUILDING FLOOR AREA:	120,000 SF
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MAXIMUM BUILDING HEIGHT:	25 FT
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MINIMUM BUILDING SETBACKS:

From the east property line	150 FT
From the south property line	90 FT
From the west property line	75 FT
From the northerly property line	10 FT

OFF-STREET PARKING:

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

SIGNAGE:

A. One ground sign for the U.S. Highway 75 right-of-way frontage with a maximum of 250 square feet of display surface area and a height of 25 feet. No ground sign shall be located within 200 feet of the south boundary of Development Area B.

B. Wall signs other than directional signs shall be permitted only on the north and east facing building walls and shall not exceed 2 square feet of display surface area per lineal foot of building wall to which attached. No south or west-facing wall signs shall be permitted.

LIGHTING:

All parking lot lighting and building-mounted signs shall be directed downward and away from adjacent residential use areas to the south, west and north boundaries of Development Area B.

SCREENING:

A six-foot high screening fence shall be constructed along the south boundary of Development Area B at such time as development occurs within Area B. The screening fence shall commence at the building setback line from the easterly boundary and continue along the south boundary for the entire length of buildings within Development Area B.

The screening fence shall be extended along the south boundary as additional development occurs within Development Area B.

TRASH, MECHANICAL AND EQUIPMENT:

All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

3. Landscaping and screening shall be in substantial compliance with the above text and meet or exceed the requirements of the PUD chapter.

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

5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and

screening fences have been installed, or in the case of the landscaping, shall be installed in the proper planting season, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

7. Flashing signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

8. The County Engineer 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.

9. Access and circulation plans shall include plans for pedestrian circulation, including sidewalks and connections where appropriate to the Tulsa Trails system. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets Tulsa County standards.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by the TMAPC.

11. 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.

12. 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 within this PUD.

TAC Comments for June 22, 2005:

Traffic: No site plan provided for review.

AEP/PSO: Wants 160' easement on power line.

County Engineer: Re. lighting may need a statement regarding directing the lighting downward and away from Highway 75 and the eastern boundary of the PUD (ODOT may require).

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the recommendation for the minor amendment with one exception that he has discussed with staff.

Mr. Norman described the surrounding area to the subject property. He indicated that he has proposed two development areas, which are the northern development area will be Development Area A from 116th Street and the area to the south is Development Area B. He explained that his clients plan to construct enclosed structures for storage of large residential recreational vehicles and boats.

Mr. Norman stated that the property drains to the west and southwest. His point, in respect to the westerly setback, involves a house. In Development Area A has proposed general retail commercial uses and perhaps a hotel/motel use. The residences at the house in question are rental property and he has been informed that they are vacant. Due to the floodplain it is unlikely to have further development other than the existing residential structure. The residences on 116th Street is outside of the floodplain.

Mr. Norman explained that he had proposed a westerly setback along Development Area A of ten feet, plus two feet additional setback for each one-foot of building height exceeding 15 feet. This is standard in the CS district, but staff has recommended a 50-foot setback along the entire west boundary, recognizing the existence of the residence. He has no objection to this recommendation, but would ask that the additional two-for-one above 15 feet be applied to only the south 200 feet, which would be adjacent to the single-family area. In other words, there would be a 50-foot setback all along the western boundary and anything south of the single-family residence have the additional setback of 50 feet plus two feet more for each one-foot of height in excess of 15 feet.

Ms. Matthews stated that staff could agree with the setback as proposed by Mr. Norman.

Mr. Norman stated that if the Planning Commission is in agreement with the setback modification along the westerly boundary then he would be in agreement with the all of the recommendations of the staff.

Mr. Norman pointed out that he has proposed a 90-foot building setback line from the south boundary and there is a required screening fence along that portion of the south boundary that is opposite buildings and set back 150 feet from the front. There is a prohibition of any outside lighting within the south 150 feet of Development Area B (south side of the storage buildings).

INTERESTED PARTIES:

Sandra Farney, Route 1, Box 615, Sperry, Oklahoma 74073, President of the North Tulsa County Neighborhood Association, stated that she has several concerns. Ms. Farney read her concerns regarding annexation, rural water being provided and lack of adequate services for the proposal. She commented that the traffic congestion is present in the subject area and this proposal would increase the danger at Highways 75 and 20. She explained that 116th Street from Claremore is Highway 20. She asked if INCOG and the City of Tulsa are discussing annexation and providing services within the subject area. Ms. Farney asked if this would be a part of updating the North Tulsa County Comprehensive Plan. She further asked why staff was recommending approval of PUD-717 before the updating of the North Tulsa County Comprehensive Plan. Ms. Farney stated that the association is not aware of any discussions with the nearby neighbors and the association that is now established.

Ms. Farney questioned who would utilize this proposal since most of the homeowners have land to park their own vehicles. There is storage at 96th Street North and Highway 75 and it is adequately serving the immediate area that needs this type of storage. She requested answers before this case moves forward.

TMAPC COMMENTS:

Mr. Jackson stated that he could help Ms. Farney with some of her questions. He explained that if Washington County Rural Water District 3 is unable to serve the proposal, then the developer wouldn't be able to obtain a County Building Permit. He explained that he believes that all the applicant has planned for the immediate use is the storage areas that wouldn't require major water supplies.

Mr. Jackson asked Mr. Boulden if he is aware of any annexation proposals being on the board. In response, Mr. Boulden stated that he is unaware of any annexations at this time and it would be irrelevant to this Planning Commission's consideration.

Mr. Jackson stated that there are no immediate annexation plans and there wouldn't be any water rights taken away from District 3. Fire safety would fall under the RWD 3 and traffic safety would fall under the County and ODOT.

Ms. Farney stated that ODOT has met with the neighborhood association and they do plan for a large interchange at 116th, but she doesn't know the timeframe on that.

Mr. Jackson stated that all these issues will be taken under consideration by the County Engineer and the BOCC before this application goes any further. He reminded Ms. Farney that the Planning Commission is a recommending board and does not make the final decision.

Ms. Farney stated that she would like the Planning Commission and developers to keep in mind that the neighborhood association is ready to meet and talk about details.

Mr. Jackson stated that the association would be notified if anything else comes through.

Ms. Bayles applauded Ms. Farney on the establishment of her neighborhood association and the critical questions she asked today. She suggested that Ms. Farney speak with Mr. Norman while Mr. Parker is speaking.

INTERESTED PARTIES:

Bill Parker, 4340 East 116th Street North, Box 967, Sperry, Oklahoma 74073, stated he lives adjacent to the property on the south side. He further stated that he is opposed to the rezoning and proposal. He explained that he has a lifetime investment in his property and he didn't move there to have something like this next to him. He believes that it would cause devaluation to his property.

Mr. Parker suggested that if the Planning Commission is inclined to grant this proposal he requested that the north half remain as it is currently zoned.

TMAPC COMMENTS:

Ms. Bayles stated that she doesn't believe that Mr. Parker adequately addressed how the subject proposal would negatively impact him. She asked Mr. Parker to elaborate on it. Mr. Parker stated that everyone living there is doing so because they would like to live in the country. He explained that this was demonstrated when City of Tulsa tried to annex the subject area and a coalition was formed against it and it failed. When a commercial business is close to residential it lowers the value of the residential property. Traffic at 116th Street is unbearable and there is no traffic control in the subject area. He indicated that 30-plus people have died at the 116th Street intersection. This proposal will affect him and his neighbors in the community.

Ms. Bayles asked Mr. Parker if he is the property owner directly to the south. In response, Mr. Parker answered affirmatively. Mr. Parker stated that there is a reason for his home to be in the middle of his property and the subject proposal is one of those reasons.

Applicant's Rebuttal:

Mr. Norman stated that his clients have no intention of requesting any annexation to the City of Tulsa. His client, Mr. Byrd, is the Superintendent of the Sperry School District and is well familiar with all of the subject area.

Mr. Norman stated that the water district has a six-inch water line on the north side of 116th Street and a three-inch water line that serves the property to the south. He is aware of all of the limitations and one of the issues not mentioned is

the absence of any sanitary sewer service in the subject area. He has explored and indicated in the PUD submittal that it would have to be an aerobic system that is approved by the City/County Health Department to be in compliance with all regulations. Recognition of the property owner's interest is the reason that he proposed the significant setbacks from the south boundary of the property and those restrictions on lighting that have been incorporated into the PUD and recommended by the staff. The North Tulsa Comprehensive Plan is 20 years old and should be updated; however, the intersection corners have been recognized as appropriate for non-residential development. He commented that with the floodplain to the west and the existence of the single-family residence nearby, there is a natural buffer for any development that would occur to the west and he believes that he has provided significant protection to the south property owner.

Mr. Norman stated that he believes it will be several years before there will be significant commercial development in the subject area, but the purpose of bringing a PUD before the brothers purchase the property is to make certain that there are acceptable uses for the northern portion that would be compatible with a passive use that is indicated for the southern property. He requested that this application be approved.

Mr. Norman stated that he is aware that there will be a detail site plan presented in the future, as well as a requirement that the property that is being developed be platted and deal with all of the infrastructure issues.

TMAPC Action; 8 members present:

On **MOTION** of **JACKSON**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to recommend **APPROVAL** of PUD-717 per staff recommendation as modified. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-717:

A TRACT OF LAND THAT IS PART OF THE NE/4 OF SECTION 9, T-21-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHWEST CORNER OF THE NE/4 OF SAID SECTION 9; THENCE S 01°24'11" E ALONG THE WESTERLY LINE OF THE NE/4 OF SECTION 9 FOR 773.40' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 83°50'37" E FOR 607.14'; THENCE N 06°09'23" E FOR 720.51' TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75; THENCE ALONG SAID RIGHT-OF-WAY AS FOLLOWS: S 80°02'00" E FOR 60.98'; N 88°39'23" E FOR 175.00'; S 46°21'00" E FOR 101.60'; S 23°03'00" E FOR 686.30; S 01°26'00" E FOR 482.00' TO A POINT THAT IS 25.00' SOUTHERLY OF THE SOUTHERLY LINE OF THE NW/4 OF THE NE/4 OF SAID SECTION 9; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S 88°34'32" W AND

PARALLEL WITH SAID SOUTHERLY LINE FOR 1256.63' TO A POINT ON THE WESTERLY LINE OF THE NE/4 OF SECTION 9, SAID POINT BEING 25.00' SOUTHERLY OF THE SOUTHWEST CORNER OF THE NW/4 OF THE NE/4; THENCE N 01°24'11" W ALONG SAID WESTERLY LINE FOR 570.10' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, and located on the southwest corner of East 116th Street North and U. S. Highway 75 North, Tulsa, Oklahoma, **From** IL & AG (Industrial Light District & Agriculture District) **To** IL/AG/PUD (Industrial Light District/Agriculture District/Planned Unit Development).

Mr. Carnes out at 4:36 p.m.

OTHER BUSINESS:

Application No.: PUD-600-A

DETAIL SITE PLAN

Applicant: David Rogers

(PD-18) (CD-8)

Location: 9225 South Toledo (Lot 1, Block 3)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new office building. The Lockhart Chiropractic Office Building, Use Unit #11, Offices, Studios and Support Services, is in conformance with Development Standards.

The proposed office building complies with setback and height requirements, and meets minimum landscape requirements for streetyard and lot area. No parking lot or building mounted lighting (other than decorative) is proposed.

This site is being developed in conjunction with Lot 2 to the south. Parking and access from South Toledo are intended to be shared between the two sites; however, the Lockhart office has sufficient parking on Lot 1 to meet minimum zoning requirements. A green belt, Reserve 'E' abuts the lot on the north. Residential abuts the site's east boundary; therefore, screening of this boundary is required.

Staff recommends **APPROVAL** of **PUD 600-A/ Lot 1, Block 3 Detail Site Plan** contingent upon screening of the east boundary.

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

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 **HARMON**, TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the detail site plan for PUD-600-A, Lot 1, Block 3, subject to screening of the east boundary per staff recommendation.

* * * * *

Application No.: PUD-600-A **DETAIL SITE PLAN**

Applicant: David Rogers (PD-18) (CD-8)

Location: 9229 South Toledo (Lot 2, Block 3)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new office building. The Fisher Office Building, a Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards.

The proposed office building complies with setback and height requirements, and meets minimum landscape requirements for streetyard and lot area. No parking lot or building mounted lighting (other than decorative) is proposed.

This site is being developed in conjunction with Lot 1 to the north. Parking and access from South Toledo are intended to be shared between the two sites; however, the Fisher office has sufficient parking on Lot 2 to meet minimum zoning requirements. Staff recommends that Lot 2 parking be designed, constructed and accessible to future development of Lot 3. This can be achieved by simply removing the curb along the south boundary. The site also abuts residential along the east boundary; therefore, screening of this boundary is required.

Staff recommends **APPROVAL** of **PUD 600-A/ Lot 2, Block 3 Detail Site Plan** contingent upon screening of the east boundary and design and construction of parking to be accessible to future development of Lot 3.

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

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 **HARMON**, TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the detail site plan for PUD-600-A, Lot 2, Block 3, subject to upon screening of the east boundary and design and construction of parking to be accessible to future development of Lot 3 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 4:40 p.m.

Date Approved:

8-3-05

Sherry M. Bayles

Chairman

ATTEST:

Mary E. Seip
1st Vice Chair Secretary
acting Secretary

