

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2440

Wednesday, March 15, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 9, 2006 at 4:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 1:32 p.m.

Mr. Bernard read the opening statement and meeting procedures.

REPORTS:

Director's Report:

Ms. Matthews reported on the BOCC and City Council agendas.

Minutes:

Approval of the minutes of March 1, 2006, Meeting No. 2439

On **MOTION** of **HILL**, the TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **APPROVE** the minutes of the meeting of March 1, 2006, Meeting No. 2439.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- | | |
|--|----------------|
| <u>L-19867 – Amos Adetula</u> (0318) | (PD 25) (CD 1) |
| 4344 North Lewis | |
| <u>L-19869 – Jack Cox</u> (9336) | (PD 18) (CD 7) |
| 8714 East 60 th Place | |
| <u>L-19870 – Jack Cox</u> (9336) | (PD 18) (CD 7) |
| 8722 East 60 th Place | |
| <u>L-19926 – Brandon Jackson</u> (0227) | (PD 1) (CD 11) |
| 2451 North Gilcrease Museum Road | |
| <u>L-19929 – Sandra Maxon</u> (8304) | (PD 18) (CD 8) |
| 3904 East 64 th Place | |
| <u>L-19930 – Tulsa Engineering and Planning</u> (8324) | (PD 18) (CD 8) |
| 9343 East 95 th Court | |
| <u>L-19934 – Roy Johnsen</u> (9213) | (PD 7) (CD 2) |
| Southeast corner of East 21 st Street and Main Street | |
| <u>L-19940 – Sisemore Weisz & Associates</u> (9430) | (PD 18) (CD 5) |
| Southeast corner of East 48 th Street South and 109 th East Avenue | |
| <u>L-19941 – Tom Christopoulos</u> (9432) | (PD 18) (CD 6) |
| 11702 East 51 st Street | |
| <u>L-19942 – TF Properties</u> (9318) | (PD 6) (CD 9) |
| 1503 East 26 th Place | |

STAFF RECOMMENDATION:

All these lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-1** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Midget "aye"; no "nays"; Jackson "abstaining"; Bayles, Horner "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PLAT WAIVERS:

Z-7016 – (9212)

(PD 7) (CD 4)

1511 South Denver Avenue

STAFF RECOMMENDATION:

The platting requirement was triggered by a rezoning to OL from RM-2 for additional parking.

Staff provides the following information from TAC at their March 2, 2006 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned OL for parking use.

STREETS:

Drives need to be a minimum of 24 feet in width.

SEWER:

No comments.

WATER:

No comments.

STORM DRAIN:

No comments.

FIRE:

No comments.

UTILITIES:

No comments.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat for the site and the proposed parking use.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **APPROVE** the plat waiver for Z-7016 per staff recommendation.

9312 East 46th Street North – (0313)

(PD 16) (CD 3)

STAFF RECOMMENDATION:

The property in question is zoned IL and a cellular tower and accessory equipment will be installed on the site.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4 per the adopted Planning Commission policies.

Staff recommends approval of the plat waiver as requested.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **APPROVE** the plat waiver for 9312 East 46th Street North for a cell tower per staff recommendation.

FINAL PLAT:

Crestwood at the River – (8334)

(PD 26) (CD 8)

West of the northwest corner of East 121st Street South and South Sheridan Road (Related to Items 12 & 13)

STAFF RECOMMENDATION:

This plat consists of 23 lots in two blocks on approximately nine acres.

Staff recs its a continuance until March 22, 2006 due to not having the Public Works release letter at this time.

TMAPC COMMENTS:

Mr. Ard stated that this plat was going to be finalized today and then later on the agenda there is a request for a PUD that would abut this plat that has a street going into the first plat, which doesn't have a street in that vicinity. He asked if this plat would have to come back to be amended. In response, Mrs. Fernandez answered affirmatively.

Mr. Ard asked Mr. Sack if he could fix the plat on the initial one so that the street goes in where it is supposed to or will the Planning Commission have to rescind this later.

Mr. Sack stated that the final plat is ready to be released and he has all of the letters of release, but staff hasn't received the last one. He is in agreement with a one-week continuance. He wouldn't want to delay this any further in order to move forward. One lot has been set aside and when Crestwood II Subdivision comes in, the one lot will be replatted to include the street. This will allow the subject plat to go forward. He explained that if he had to correct the subject plat for the street, it would slow the process down.

There were no interested parties wishing to speak.

Mrs. Fernandez stated that since Christmas both the Estates of River Oaks and the Crestwood Additions have been in a state of confusion because they keep adding more property to the developments, which is good for development but confusing for staff. Mr. Sack has met with Mr. Alberty on several occasions to figure out the best way to go about this and the way it is preceding is actually per the recommendation of Mr. Alberty.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **CONTINUE** the final plat for Crestwood at the River to March 22, 2006.

Mr. Bernard stated that there are few more continuances that should be addressed before going further. Items 6, 9 and 17 have requests for continuances.

Union Place – (8418)

(PD 18) (CD 8)

Southwest corner of East 81st Street South and Garnett Road (continue to 4/5/06 for Council approval of Corridor Site Plan and further Technical Advisory Committee review)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **CONTINUE** the preliminary plat for Union Place to April 5, 2006.

MINOR SUBDIVISION PLATS:

Rockford Village – (9330)

(PD 6) (CD 9)

East of the southeast corner of East 41st Street South and Peoria Avenue (continue to 4/5/06 for further Technical Advisory Committee review)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **CONTINUE** the minor subdivision plat for Rockford Village to April 5, 2006.

Application No.: CZ-375

AG to CG

Applicant: Jeffrey G. Levinson/Sitton Properties, LLC

County

Location: Northeast corner East 151st Street and South Lewis Avenue

STAFF RECOMMENDATION:

The applicant has requested a continuance to May 3, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Bayles, Horner "absent") to **CONTINUE** CZ-375 to May 3, 2006.

PRELIMINARY PLAT:

EastBrook – (9319)

(PD 6) (CD 9)

1316 East 35th Place

STAFF RECOMMENDATION:

This plat consists of nine lots, one block, on .64 acres.

The following issues were discussed March 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 718. All requirements of the PUD must be met. Reserve A must be defined and maintained in covenants. Show fence easements for required fence at East and South of property line per PUD. Show sidewalks. Where is the landscaping? All PUD standards need to be reflected EXACTLY in the covenants.
2. **Streets:** Include language for Reserve A construction and maintenance requirements. Extent of work on west end in public right-of-way is not clearly shown. Recommend full width sidewalk on East 35th Place South. Include construction standards for the private street, including width and paving standards per the PUD.
3. **Sewer:** The west five feet of Lot 9 is shown as a building line and must also be a utility easement. Engineering Wastewater Design would prefer the proposed eight-inch sanitary sewer extension be located along the north property line, within the existing street right-of-way, because it will be easier to access for maintenance of the line. Also, the existing line, in the south portion of Lots 1, 2, 3 and 9, must be inspected by COT underground collections for condition of the line. If rehabilitation of the line is required, then it will be done at the developer's expense. Contact Mark Rogers at 669-6117 to schedule an inspection.
4. **Water:** A looped water main extension will be required. This water main will provide domestic and fire protection for this development.

5. **Storm Drainage:** Add contours on the face of the plat or on the conceptual plan. The majority of the drainage for this subdivision will be conveyed to Reserve A where it will flow overland to East 35th Place South; therefore, one of the uses of this reserve should be overland drainage easement. Add the standard language for overland drainage easements to the covenants. Add roof and yard drainage language for all north-flowing drainage on Lots 4, 5, 6, 7 and 8. This drainage should be piped under the proposed sidewalk, and into East 35th Street South. Utilize roof drains and yard drains to collect this drainage.
6. **Utilities: PSO, ONG, Cable:** Additional easements will be necessary and covenants need to include provision for utilities.
7. **Other: Fire:** There shall be a section in the covenants that state the townhouses shall be sprinkled or a proper access road shall be provided. Fire Department access roads shall be per IFC. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1. the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.1.1, 903.3.1.2 or 903.3.1.3. 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 3. There are not more than two groups R-3 or group U occupancies. 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Cul-de-sac must be in accordance with the Subdivision Regulations. Remove "General" from section I.A. title for utility easements. Section II title, specifically "Corridor District", is questioned. Use same project title as on plat. Show point of beginning and dimension from the nearest section corner. List and show monumentation. Include a new boundary description for EastBrook and use bearings and distances that match those on the face of the plat.

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

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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **APPROVE** the preliminary plat for EastBrook subject to special conditions and standard conditions per staff recommendation.

Apex Auto Salvage – (0224)

(PD25) (CD 1)

3124 North Peoria

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 18.52 acres.

The following issues were discussed March 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 487(IM). All PUD conditions must be met. Drainage concerns must be addressed. Define screening wall easement per required wall and the maintenance for the wall. Check PUD setback requirements.
2. **Streets:** Document existing right-of-way dedication on North Peoria. Change the north access from 20 feet to 15 feet and delete one of the middle access points due to poor spacing. Dedicate both the west half of Norfolk including a bubble for a cul-de-sac and the south half of 32nd Street North also with a cul-de-sac. Public Works does not recommend half-street dedications.
3. **Sewer:** Extend the 17.5-foot utility easement that runs along the west property line all the way north through the existing detention easement. Due to the size of the existing pipe, the property does not have access to the sanitary sewer for service connection. An eight-inch line must be extended into the property under an SSID for plat approval.
4. **Water:** Show a water line easement for the six-inch water line across the stormwater detention area. Add language for the water line easement.

5. **Storm Drainage:** Offsite drainage flowing onto this property must be conveyed across the platted area in overland drainage easements, and/or must be collected near the upstream property line, and thence piped across the site in a storm sewer easement. Add the book and page numbers or document number for the existing stormwater detention easement. Unless the existing stormwater detention facility has provided additional storage capacity for the fully urbanized development of this proposed area for platting, an additional stormwater detention facility will be required for the development of the eastern half of this site. Add standard language for the overland drainage easement and for stormwater detention facility maintenance. In Section II.A. add language stating where stormwater detention is being provided for the Development of Area A.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be necessary. Covenant language needs to include interior overhead standards per PSO.
7. **Other: Fire:** 503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Provide a 20-foot fire access road to within 150 feet of all vehicles. Submit a parking layout for Fire Department approval. Welding and other hot work shall be conducted per the IFC Chapter 26. Vegetation of weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed per IFC 304.1.2. Provide portable fire extinguishers in building and vehicles that work in the yard. A minimum of a ten pound 40A:80B:C portable extinguishers shall be used. Tire storage shall be conducted per the IFC chapter 25. Motor vehicle fluids shall be drained from salvaged vehicles when such fluids are leaking. Storage and handling of motor vehicle fluids shall be done in an approved manner. Flammable and combustible liquids shall be stored and handled in accordance with the IFC chapter 27. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, break systems and transmissions shall be kept on site. Single-use plugging, diking, and absorbent materials shall be disposed of as a hazardous waste and removed from the site in a manner approved by federal, state and local requirements. Removed air bag systems shall be handled and stored in accordance with the IFC chapter 27. Lead-acid batteries shall be removed from salvaged vehicles when such batteries are leaking. Lead-acid batteries that have been removed from vehicles shall be stored in an approved manner per IFC Chapter 6. Show point of beginning.

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

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Ms. Hill asked about the screening requirements for this property. In response, Mrs. Fernandez stated that she would have to check the PUD requirements, but she believes that there is a screening wall required per the PUD.

Ms. Hill asked if there is a specification on the materials or type of fence. In response, Mrs. Fernandez stated that she would have to look in the PUD and come back with the information.

Mr. Midget stated that he is familiar with Apex and they have a salvage yard that sets a standard of what a salvage yard should look like. He wished other salvage yards kept their operation as clean as Apex.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Ard, Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to **APPROVE** the preliminary plat for Apex Auto Salvage, subject to special conditions and standard conditions per staff recommendation.

COMPREHENSIVE PLAN

City of Tulsa Capital Improvement Projects, 2007 Submissions for compliance with the Comprehensive Plan of the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

City of Tulsa Capital Improvement Projects, 2007
March 15, 2006

The City of Tulsa has submitted ten new capital improvement projects for Year 2007. By State statute, the TMAPC must review these for conformance to the Comprehensive Plan. Staff has reviewed the proposed projects and finds them either in conformance with or beyond the scope of the Plan. The following are comments on individual projects.

1. Fire Training Center – vicinity of North Harvard and East Apache. This application is to complete the firefighting training center and rescue

props near the northeast campus of Tulsa Community Campus. Completion is expected to take several years. Submitted by the Fire Department. The District 2 Plan designates this area as Low Intensity-Public Land Use/Corridor/Special District 3-Industrial and Commercial Area.

2. Central Park Community Center Expansion – 1028 East 6th Street. The new Central Park Community Center construction is underway and design will allow addition of a second story to accommodate expected needs of the growing senior citizen and neighborhood resident population. Both the District 4 and 6th Street Corridor Plans designate this as park land and recognize the need for such community facilities. Submitted by the Parks and Recreation Department. Located in Planning District 4, the plan designates this area as Low Intensity-Public Land Use.
3. Owen Park Turf Renovation – 560 North Maybelle. This park reportedly has the worst turf conditions of any park in the City's system. Improvements will include new turf and an irrigation system. This type of improvement, while necessary and beneficial for park maintenance, is beyond the scope of the Comprehensive Plan. Submitted by the Parks and Recreation Department. The Planning District 10 Plan designates this as Low Intensity-Public Land Use.
4. Zoo – Relocation of Asian Cats Exhibit – Mohawk Park. The new zoo master plan calls for the Siberian Tiger and Snow Leopard exhibits to be incorporated into the new Asian exhibit. The District 16 Plan recognizes and supports Mohawk Park Zoo but does not specify individual exhibit areas. Therefore, this is also beyond the scope of the Comprehensive Plan. Submitted by the Parks and Recreation Department.
5. Newblock Park Building Expansion – Newblock Park, Planning District 10. This proposal is to expand the current Park Department administration facility to consolidate staff into one facility. The District Plan designates Newblock Park for park use but specifying size of administrative facilities is beyond the scope of the Plan. Submitted by the Parks and Recreation Department.
6. Helmerich Park Community Center – west of Riverside Drive in Planning District 18, which designates it as Low Intensity-Public Land Use/Arkansas River Corridor. The Arkansas Corridor River Plan recognizes Helmerich Park's potential as a site of a community center. This proposal would include a health and fitness center, complemented by various other accessory uses and integrated with the trail system. Submitted by the Parks and Recreation Department.

7. Vining Park Expansion – 6502 North Cincinnati. This request is for a new splash pad to be located in the park, as a result of recommendations from the Northgate community and in partnership with Tulsa Housing Authority in its low income homeownership program. Vining Park is designated on the District 24 Plan as Low Intensity-Public Land Use and is part of the INCOG Regional Park and Recreation Plan. Submitted by the Parks and Recreation Department.
8. Dawson-Coal Creek Hydraulics Concept Design with Enhancements – Coal Creek drainage area between Apache and Tecumseh Street. This proposal is for Phase II hydraulics conceptual design for a lake and related improvements, including trails and other appurtenances. This is in accord with the adopted Citywide Master Drainage Plan (Coal Creek Master Drainage Plan). Submitted by Public Works and Development/Urban Development Department.
9. Public Art Maintenance and Repair – various locations. The City of Tulsa now owns more than 350 pieces of art on or in various public properties throughout the city, including the airports, libraries, fire stations, police substations and the Convention Center. They are in need of assessment for repair and maintenance. The Community Cultural Plan for the City of Tulsa encourages installation and maintenance of public art. Submitted by Public Works and Development/Urban Development Department at the request of the Arts Commission for the City of Tulsa.
10. Public Art Acquisition – various locations. This request is to continue to add to the City's collection of public art by acquiring four significant pieces as a celebration of Tulsa, to be placed on City-owned properties. The Community Cultural Plan encourages acquisition of public art. Submitted by Public Works and Development/Urban Development Department at the request of the Arts Commission for the City of Tulsa.

Staff recommends that the TMAPC find the above-described capital improvement projects in accord with the Comprehensive Plan, either specifically where appropriate or generally, where the project is beyond the scope of the Plan.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to recommend **APPROVAL** of the City of Tulsa Capital Improvement Projects, 2007 Submissions and find them in compliance with the Comprehensive Plan of the Tulsa Metropolitan Area.

Additional Third Penny Capital Improvement Projects Submissions for compliance with the Comprehensive Plan of the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

Three additional projects have been submitted for review by the TMAPC for conformance to the Comprehensive Plan and which are proposed to be submitted as part of the Third Penny Sales Tax package. These include a soccer/sports complex at 56th Street North and SH 75, economic development infrastructure fund, and ramps for the existing Civic Center parking garage.

Development of the soccer/sports complex is proposed to be at East 56th Street North and State Highway 75, in Planning District 25. That area is designated Special District-Industrial and zoned AG. The proposed use may be found in accord with the Comprehensive Plan due to its location within a Special District. If found to be in a Use Unit 20, it may require further Board of Adjustment approval for a Special Exception. Staff believes the proposed use is within the spirit and intent of the District Plan to provide economic development and recreational opportunities for the region.

Establishment of an economic development infrastructure fund, although not specifically addressed in the Comprehensive Plan, could further various District Plans' policies regarding provision of adequate infrastructure to serve existing and future development.

Provision of ramps at the existing Civic Center is beyond the scope of the Comprehensive Plan but certainly not in conflict with it.

Staff finds the three proposed projects generally in accord with the Plan and recommends the TMAPC do likewise.

TMAPC COMMENTS:

Mr. Harmon asked if the infrastructure fund is a new fund that would be established. Ms. Matthews stated that it is her understanding that it is the first time it would be created. She indicated that representatives are present that could explain this.

Mr. Harmon asked when this fund would be established and where and when it would be spent.

Mr. Midget stated that this is based upon an earlier fund that was created for infrastructure in a special economic fund that was used to support businesses expanding or locating in Tulsa and help with the water and sewer extensions. Many times, when a water line has to be moved from one side of the road to the other it could be a deal breaker for a business. In this particular fund it would serve a similar purpose, but it could be used city-wide.

Mr. Harmon asked if the City Council would determine where and when this money would be spent. In response, Mr. Midget answered affirmatively.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to recommend **APPROVAL** of the Addition Third Penny Capital Improvement Projects Submissions and find them in compliance with the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-579-A-6

MINOR AMENDMENT

Applicant: Bart C. James

(PD-18) (CD-8)

Location: West of the southwest corner of East 79th Street South and South 101st East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment for the purpose of splitting two lots, Lots 5 and 6, to create three lots. Per the "Lot-Split Exhibit", Tract "B" and Tract "C" would be tied to create a single lot, which would comprise 16,800 square feet, or 0.39 acres. Tract "A" would comprise 18,400 square feet, or 0.42 acres; and Tract "D" would comprise 16,800 square feet, or 0.39 acres.

Development Standards for PUD 579-A are as follows:

Permitted Uses:

Church, nursing home, schools, private clubs as permitted in Use Unit 2; community centers, as permitted in Use Unit 5; townhouse dwellings and multifamily dwellings; offices and studios as permitted in Use Unit 11; and uses customarily accessory to permitted uses.

Maximum Building Height:

Multifamily residential	45 FT
Other dwellings	35 FT
Offices	52 FT
Other Uses:	
As approved by the TMAPC as part of Detail Site Plan Review.	

Off-Street Parking:
As required for the applicable use by the Tulsa Zoning Code.

Minimum Building Setbacks:
From the west boundary of the Development Area A:
Ten feet plus two feet of setback for every foot of building height above 15 feet.

From Collector Street right-of-way	25 FT
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Minimum Land Area per Dwelling Unit per lot: Multifamily Dwellings	1,750 SF
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Maximum Building Floor Area Ratio (Offices) per Lot:	.50
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Maximum Building Land Coverage per lot (all uses):	30%
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Other Bulk and Area Requirements:

Development Type:	
Multifamily	As established within an RM-1 District
Townhouse dwellings	As established within a RT District
Offices	As established within the OM District

Signs:

Dwellings and Other Uses:	As permitted in the RM-1 District
Offices	As permitted in the OM District

The lots are intended for office use. The lots can be developed in accordance with the existing development standards, with exception of the 100-foot frontage requirement per OM Bulk and Area Requirements. Tract "A" will have 92 feet of frontage; Tracts "B" and "C" as tied will have 84 feet of frontage; and Tract "D" will have 84 feet of frontage. (TMAPC recently approved a lot split of Lot 3, Block 1; however, the resulting lots were in compliance with the 100-foot frontage requirement.) Staff also notes that Lots 10 and 11 of Block 1 of the existing Tall Grass Office Park plat have less than 100 feet of frontage each.

Although development per PUD 579-A-6 is still reasonably possible, the unusual configuration of combined Tract "B" and Tract "C" will limit to some degree

building floor area and layout/ provision of parking. The applicant has been advised that parking for the proposed development "must be located on the lot (as combined) containing the use for which the required spaces or berths are to be provided." A request for a variance of this requirement would not be supported by staff as the lot-split/ lot combination as requested with larger floor area will create a self-imposed hardship.

Staff finds the proposed request to be minor in nature and recommends **APPROVAL** of PUD-579-A-6 as proposed subject to Tract "B" and Tract "C" being tied together through lot-split approval.

Mr. Ard announced that he would be abstaining from this item.

TMAPC COMMENTS:

Mr. Midget asked staff if it was made clear that the Planning Commission wouldn't look favorably for the applicant to apply for a variance because it would be self-imposed. In response, Ms. Matthews stated that it is in the staff recommendation.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, TMAPC voted 8-0-1 (Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Ard "abstaining"; Bayles, Horner "absent") to **APPROVE** the minor amendment for PUD-579-A-6 subject to Tracts B and C being tied together through lot-split approval per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-7017

RS-3 to PK

Applicant: Sack & Associates/Crestwood at the River II (PD-26) (CD-8)

Location: West of the northwest corner East 121st Street and South Sheridan Road

STAFF RECOMMENDATION:

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15-acre tract from AG to RS-1/ PUD for residential development, located on East 116th Street, directly south of South Hudson Avenue and abutting the subject property to the north.

PUD-677 February 2003: All concurred in approval of a planned unit development on a 13-acre tract for single-family development located on and part of the subject property.

PUD-527-B August 2001: All concurred in recommending approval of a request to abandon PUD-527-A and revert to the standards of the original PUD-527 that was approved in February 1995.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3-acre tract from AG to RS-2/PUD for residential development, located south and west of the southwest corner of East 116th Street and South Hudson Avenue and located north and west of subject property.

Z-6702 September 1999: All concurred in approval for a request to rezone a ten-acre tract from AG to CS/RS-3 for commercial and residential development, located on the northwest corner of East 121st and South Sheridan Road. Approval was recommended for CS on the south 467' x 467' corner and the balance to be RS-3 located east of subject property.

Z-6696/PUD-610 June 1999: A request to rezone a five-acre tract from AG to RS-2. Staff recommended denial for RS-2 and approval for RS-1. All concurred to approve a request to rezone from AG to RS-1/PUD for residential development, located on East 118th Street South and east of South Fulton Avenue and located northwest of subject property.

Z-6551 September 1996: All concurred in approval for a request to rezone a 40-acre tract from AG to RS-1 for residential development, located east of northeast corner of South Yale and East 121st Street South and located west of subject property.

Z-6531 May 1996: All concurred to deny a request to rezone a 34.7-acre tract from AG/RS-2 for residential development but approval for RS-1, located on the southwest corner of East 116th Street and South Fulton and South Granite Avenues and located northwest of subject property.

Z-6453/PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20.7-acre tract located on the northeast corner of East 121st Street South and South Yale Avenue and west of the subject property from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development.

Z-5937/PUD-358 May 1984: All concurred in recommending approval of a PUD with underlying RS-1 zoning on a 54-acre tract located north and east of the northeast corner of East 121st Street South and South Yale Avenue, and located

west from the subject tract. The applicant had originally applied for rezoning from AG to RS-3/PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.6± in size; the property is vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 121 st Street	Primary arterial	120'	6 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by residential and agriculture, zoned RS-1 and AG; to the east by mostly vacant land with some residential use zoned CS.RS-3/RS-1/AG; to the west by a large property with one residence, zoned AG to the south by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-No Specific land use (southern portion) and Special District One – Area of Steep Slopes and Erodible Soils (northern portion). According to the Zoning Matrix, the requested RS-1 zoning is in accord with the Comprehensive Plan for the southern portion and **may be found** in accord with the northern portion, due to its location within a Special District. District Plan policies call for development at low intensities (RS-1) unless accompanied by a PUD.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS-1 zoning for Z-7017.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to recommend **APPROVAL** of the RS-1 zoning for Z-7017 per staff recommendation.

Legal Description for Z-7017:

THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID E/2 W/2 W/2 SE/4 SE/4; THENCE NORTH 00°20'24" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 390.08' TO A POINT; THENCE NORTH 89°51'46" EAST A DISTANCE OF 493.12' TO A POINT ON THE EAST LINE OF SAID E/2 W/2 SE/4 SE/4; THENCE SOUTH 00°12'09" WEST ALONG SAID EAST LINE A DISTANCE OF 391.24' TO A POINT ON THE SOUTH LINE OF SAID E/2 W/2 SE/4 SE/4; THENCE DUE WEST ALONG SAID SOUTH LINE A DISTANCE OF 494.05' TO THE POINT OF BEGINNING. AND THE W/2 OF THE SOUTH 442.17' OF THE NORTH 929.66' OF THE E/2 W/2 SE/4 SE/4 AND THE SOUTH 442.17' OF THE NORTH 929.66' OF THE EAST E/2 W/2 W/2 SE/4 SE/4 OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND THE E/2 OF THE SOUTH 442.17' OF THE NORTH 929.66' OF THE E/2 W/2 SE/4 SE/4 OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF **From AG (Agriculture District) To RS-1 (Residential Single Family District).**

RELATED ITEM:

Application No.: PUD-677-A

MAJOR AMENDMENT

Applicant: Sack & Associates/Crestwood at the River II (PD-26) (CD-8)

Location: West of the northwest corner East 121st Street and South Sheridan Road

STAFF RECOMMENDATION:

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15 acre tract from AG to RS-1/ PUD for residential development, located on East 116th St., directly south of South Hudson Avenue and abutting the subject property to the north.

PUD-677 February 2003: All concurred in approval of a planned unit development on a 13 acre tract for single family development located and part of the subject property.

PUD-527-B August 2001: All concurred in recommending approval of a request to abandon PUD-527-A and revert back to the standards of the original PUD-527 that was approved in February 1995.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3 acre tract from AG to RS-2/PUD for residential development, located South and West of the Southwest corner of E 116th St. and S Hudson Ave and located north and west of subject property.

Z-6702 September 1999: All concurred in approval for a request to rezone a 10 acre tract from AG to CS/RS-3 for commercial and residential development, located on the Northwest corner of E. 121st and S. Sheridan Rd. Approval for CS on the South 467' x 467' corner and the balance RS-3 located East of subject property.

Z-6696/PUD-610 June 1999: A request to rezone a 5 acre tract from AG to RS-2. Staff recommended denial for RS-2 and approval for RS-1. All concurred to approve a request to rezone from AG to RS-1/PUD for residential development, located on East 118th St. S. and E of S. Fulton Ave and located northwest of subject property.

BOA-18309 February 1999: The Board of Adjustment approved a minor Special Exception of the required front yard from 35' to 30' for all lots in subdivision in an RS-1 district on the subject property.

Z-6551 September 1996: All concurred in approval for a request to rezone a 40 acre tract from AG to RS-1 for residential development, located East of northeast corner of South Yale and East 121st Street South and located west of subject property.

Z-6531 May 1996: All concurred to deny a request to rezone a 34.7 acre tract from AG RS-2 for residential development but approval for RS-1, located on the Southwest corner of E 116th St. and S. Fulton and S. Granite and located northwest of subject property.

Z-6453/PUD-527 December 1994: All concurred in recommending approval of a request to rezone a 20.7-acre tract located on the northeast corner of East 121st Street South and South Yale Avenue and west of the subject property from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development.

Z-5937/PUD-358 May 1984: All concurred in recommending approval of a PUD with underlying RS-1 zoning on a 54-acre tract located north and east of the northeast corner of East 121st Street South and South Yale Avenue, and located west from the subject tract. The applicant had originally applied for rezoning from AG to RS-3/PUD.

BOA-11260 September 1980: The Board of Adjustment approved a variance of the frontage and area requirements in an AG district to permit a lot-split on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.6± in size; the property is vacant, wooded and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 121 st Street	Primary arterial	n/a	6 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by residential and agriculture, zoned RS-1 and AG; to the east by mostly vacant land with some residential use zoned CS.RS-3/RS-1/AG; to the west by a large property with one residence, zoned AG to the south by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Special District 1. The proposed development **may be found** in accord with the Comprehensive Plan by virtue of its location within a Special District. Plan policies call for no more intense development than that of RS-1 unless accompanied by a PUD.

STAFF RECOMMENDATION:

The purpose of the major amendment is to add 8.79 acres to the existing 13 acre Crestwood I, single-family residential subdivision. The Crestwood I plat currently does not provide a street connection to the proposed Crestwood II. A street stub must be provided between lots 6 and 7, block 2, in Crestwood I to align with the proposed East 119th Place South street stub/tie with Crestwood II.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD 677-A as modified by staff to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and

expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 677-A subject to the following conditions:

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

Area:

Gross:	9.47 AC	412,513 SF
Net:	8.79 AC	382,892 SF

Permitted Uses:

Those uses included as a matter of right in Use Unit 6, Single Family Dwelling, including customary accessory uses such as parking and landscaped areas and security gatehouses.

Minimum Land Area Per Dwelling Unit: 16,000 SF

Maximum Number of Lots: 23

Minimum Lot Area: 13,500 SF

Maximum Building Height: 35 40 FT or 45 FT*

*Building height shall not exceed 45 feet on lots equal to or greater than 1/2 acre. Building height shall not exceed 40 feet on lots less than 1/2 acre. No building shall have more than three stories (excluding basement) and a minimum roof pitch of 4/12.

Minimum Livability Space Per Dwelling Unit: 7,000 SF

Off-Street Parking:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

Minimum Yards:

Front:

Residences:	30 FT or 25 FT*
Lots 4 through 13, Block 1, Crestwood at the River	25 FT
Garages:	
Front entry	30 FT or 25 FT*

Side street entry 20 FT

*As indicated on Exhibit A

Side:

One side 5 FT
Other side 10 FT
Side Street Yard 15 FT

Rear: 25 FT

Private Streets:

Minimum width: 26 FT

All base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

Entry Identifications Signs:

East 121st Street

Two signs with a maximum aggregate display surface area of 98 square feet are permitted to be mounted on the perimeter wall(s) near the South Lakewood Avenue project entry.

Sidewalks:

Sidewalks shall be constructed by the developer along East 121st Street South. Sidewalks shall also be provided within easements or the private street reserve areas.

Access:

A street stub must be provided between lots 6 and 7, block 2, in Crestwood I to align with the proposed East 119th Place South street stub/tie with Crestwood II.

3. 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

5. All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 26 feet in width for two-way roads and 18 feet for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
6. The City shall inspect all private streets and certify that they meet City standards' prior to any building permits being issued on lots accessed by those streets. The developer shall pay the same inspection fee to the City as would be paid for inspection of public streets.
7. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department prior to issuance of a building permit for the gates or guardhouses.
10. 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.

TAC Comments from March 2, 2006:

General – No comments.

Water – A water main extension line will be required.

Fire – Street tie from Crestwood at the River I to Crestwood at the River II required.

Stormwater – No comments.

Wastewater – No comments.

Transportation – Out-parcel ~~will~~ may have right turn only access to/from ultimate 121st Street South due to a raised median. The connecting street to the west does not exist in the pending Crestwood at the River Plat.

Traffic – Specify maintenance language and construction standards for the private street in the covenants including the unusual off-site connection to the west. Will the off-site be a part of this subdivision? In Section I.H. (private streets) please include other anticipated users of the private street that should be granted the right of entry (i.e. owners in Estates of River Oaks Amended, Estates of River Oaks II and/or Crestwood at the River).

GIS – No comments.

County Engineer - No comments.

TMAPC COMMENTS:

Mr. Ard questioned the maximum building height on page 13.5 of the agenda packet. Ms. Matthews stated that the maximum building height was overlooked because it was changed in the last Crestwood application. This would make the new piece compatible with the existing.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that there was a minor amendment on Crestwood that revised the maximum building height to allow buildings on ½ acre up to 45 feet and 40 feet if less than ½ acre. He indicated that most of the homes will be large and most of the builders are requesting the additional height.

Mr. Sack requested a clarification on the TAC comments under Transportation. After discussion with Mr. Darryl French, Traffic Engineering, it was determined that the word “will” should be changed to “may”.

Mr. Sack stated that this is the fourth phase of a development. He explained that the first phase doesn't have sidewalks and they have private streets with a gated community. The second phase has a gate at the south end of it that restricts traffic from going north but allows it to go south, and then the third phase is the plat before the Planning Commission today and is under construction. All three phases are gated communities with private streets and no sidewalks. The fourth phase is the PUD before the Planning Commission today, and for consistency of the four developments and harmony of all four developments, he would request that sidewalks not be required in the subject subdivision.

TMAPC COMMENTS:

Mr. Midget asked if the lots were ½ acre lots. In response, Mr. Sack stated that they are 1/3 acre lots. Mr. Midget asked if the previously approved subdivisions have ½ acre lots. In response, Mr. Sack stated that the first two phases were ½ acre lots and the third phase was 1/3 acre lots.

Mr. Harmon stated with regard to sidewalks he that he can appreciate Mr. Sack's comments about not having sidewalks within a gated community, but where this

property abuts a city street there should be sidewalks available for people that are simply walking by the project.

Mr. Sack explained that with the current construction, the County's street improvement project and the fact that the other phases haven't built sidewalks, he requested that the sidewalks be waived for this subdivision. He reiterated that there are no sidewalks within the subject area for miles. To build a sidewalk along 121st Street, it would be torn up when the County improves the street.

Mr. Carnes stated that this could be approved with the sidewalks being put in after the County has completed their work. Mr. Carnes made a motion with this being a part of the motion and to change the word "will" to "may".

Mr. Bernard asked if anyone else would like to comment before moving forward with the motion.

Mr. Ard asked if the County is improving 121st to Sheridan from the east. Mr. Sack stated that they are improving 121st Street to Sheridan and the Sheridan intersection, plus a short distance to the north, south and west of the intersection. The intersection improvement is a part of the County project. Mr. Ard asked if there are finalized plans for 121st Street to be improved in front of the subject subdivision. Mr. Sack stated that there are not any plans for improvement in front of the subdivision. Mr. Sack explained that the County project meets the subdivision in a transition where vehicles would come in from the widening project at 121st Street back into the existing two-lane road. Mr. Ard stated that it is unclear how much of the subject property will be used for the easement area. Mr. Sack stated that they are not asking for additional easement and will transition back into the two-lane road, but there will be some drainage concerns in front of the subject property.

Ms. Hill stated that she shares Mr. Harmon's views on sidewalks. On this particular property the sidewalks would probably be under water for awhile, and not knowing what 121st long range plans are, she believes sidewalks on this particular development and time is probably moot. This is out in the country and this is one in which she might not be so fond of sidewalks at this particular time.

Mr. Harmon reiterated that Mr. Carnes made a motion to require the sidewalk along 121st after the improvements are completed.

Mr. Carnes agreed that the sidewalks could be added after the 121st Street improvements. Mr. Carnes stated that by asking this project to include sidewalks then they can ask future development to do this as well.

Mr. Sack stated that he is concerned that after the final widening he doesn't know if the County will provide sidewalks. Mr. Sack commented that if the County doesn't build the sidewalks when the street is widened to its ultimate width, then

the sidewalks could be built at that time by the neighborhood association because by that time the lots would be sold.

Mr. Harmon stated that if he understands the motion, the sidewalks would be required at some point in the future after 121st Street is improved and perhaps the City may include sidewalks, but if not, then the homeowners association will have that responsibility. Mr. Carnes agreed.

Mr. Bernard asked Mr. Carnes if his motion would reaffirm the 40 and 45 feet height and the transportation may require a right-turn lane only. Mr. Carnes answered affirmatively.

Mr. Midget stated that he would second the motion, but questioned if the wording "may require" was included in the motion regarding the right-turn lane. Mr. Carnes affirmed it was included.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-677-A per staff recommendation, subject to the sidewalk in front of the subdivision (along 121st Street) being required after the widening and improving project is completed; subject to maximum building height shall be 40 FT or 45 FT (Building height shall not exceed 45 feet on lots equal to or greater than ½ acre. Building height shall not exceed 40 feet on lots less than ½ acre. No building shall have more than three stories (excluding basement) and a minimum roof pitch of 4/12); and subject to the TAC comments changing the following language: Transportation – Out-parcel ~~will~~ may have right turn only access to/from ultimate 121st Street South due to a raised median. The connecting street to the west does not exist in the pending Crestwood at the River Plat as modified by the Planning Commission.

Legal Description for PUD-677-A:

THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID E/2 W/2 W/2 SE/4 SE/4; THENCE NORTH 00°20'24" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 390.08' TO A POINT; THENCE NORTH 89°51'46" EAST A DISTANCE OF 493.12' TO A POINT ON THE EAST LINE OF

SAID E/2 W/2 SE/4 SE/4; THENCE SOUTH 00°12'09" WEST ALONG SAID EAST LINE A DISTANCE OF 391.24' TO A POINT ON THE SOUTH LINE OF SAID E/2 W/2 SE/4 SE/4; THENCE DUE WEST ALONG SAID SOUTH LINE A DISTANCE OF 494.05' TO THE POINT OF BEGINNING. AND THE W/2 OF THE SOUTH 442.17' OF THE NORTH 929.66' OF THE E/2 W/2 SE/4 SE/4 AND THE SOUTH 442.17' OF THE NORTH 929.66' OF THE EAST E/2 W/2 W/2 SE/4 SE/4 OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND THE E/2 OF THE SOUTH 442.17' OF THE NORTH 929.66' OF THE E/2 W/2 SE/4 SE/4 OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND THE E/2 E/2 SW/4 SE/4 AND THE NORTH 901.86' OF THE W/2 W/2 W/2 SE/4 SE/4 OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13)EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF **From AG/PUD (Agriculture District/Planned Unit Development [PUD-677]) To RS-1/PUD (Residential Single Family District/Planned Unit Development [PUD-677-A]).**

Application No.: Z-7019

RS-3 to PK

Applicant: Robert Johnson/Debra Bradene Bachtell

(PD-4) (CD-4)

Location: 1938 South Louisville

STAFF RECOMMENDATION:

Z-4602 January 1972: A request for rezoning a 110' x 131.25' tract from RS-3 to OL, located at the northwest corner of East 21st Street and South Louisville Avenue and abutting the subject property to the south. All concurred in the approval of rezoning this tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 60' x 131.25' in size and is located at the northwest corner of South Louisville Avenue and East 21st Street. The property is being used for a single-family residence or may be vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 21 st Street	Secondary Arterial	100'	4 lanes
South Louisville Avenue	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by Expo Square/Tulsa County Fairgrounds, zoned AG in Tulsa County; on the north by single-family residences, zoned RS-3; on the south by what appears to be a single-family residence immediately adjacent to a locksmith office farther south, zoned OL; and on the west by single-family residences, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use. The requested rezoning to PK is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

This proposal would be an intrusion into the single-family residential uses to the north and west and even though PK zoning would require that 10% of the lot remain pervious and be landscaped and a six-foot high screening fence be installed adjacent to the RS-3 zoning on the north and west, staff cannot support that rezoning. Therefore, staff recommends **DENIAL** of PK zoning for Z-7019.

TMAPC COMMENTS:

Mr. Jackson asked if the PK zoning would require a five-foot buffer. In response, Ms. Matthews read the landscaping and screening requirements for PK zoning. Ms. Matthews stated that PK can be used as a buffer, but in this particular case it is surrounded on two-sides by residential.

Applicant's Comments:

Jeff Nicks, 406 South Boulder, Suite 400, Tulsa, Oklahoma 74103, representing Robert Johnson, stated that Mr. Johnson plans to build a 5,000 SF building and a parking lot with approximately 28 parking spaces. His client will occupy a portion and the remaining 3,500 SF would be occupied by medical offices. He indicated that there would be a six-foot screening fence and he would be willing to install an eight-foot fence if necessary.

TMAPC COMMENTS:

Mr. Carnes stated that an eight-foot fence is not a good idea against the south wind. He asked if Mr. Johnson would be willing to install a decorative fence rather than a wood fence.

Mr. Nicks stated that he believes his client would be willing to install a decorative fence.

Mr. Bernard asked what is different between the subject proposal and the credit union down the street. Ms. Matthews stated that the credit union has more land and has berming and landscaping. Ms. Matthews further stated that there could be an argument that they are similar and with decorative fencing perhaps it wouldn't be intrusive.

INTERESTED PARTIES:

Jason Carroll, 1937 South Knoxville Avenue, Tulsa, Oklahoma 74112, stated that he is concerned with having a parking lot behind his home due to safety issues. He explained that he recently moved to the subject area after checking the Tulsa Police Department's website to find a safe neighborhood. To allow a parking lot across from Bell's Amusement Park would be asking for trouble. He expressed concerns with someone trying to climb over the fence or peering over the fence into his home. He requested that the Planning Commission deny this application.

TMAPC COMMENTS:

Mr. Harmon reminded Mr. Carroll that the owner has offered to install a decorative fence, something of masonry that would be substantial.

In response to Mr. Harmon, Mr. Carroll stated that he doesn't want a parking lot behind his home. They are conducive to criminal activity, especially being across the street from Bell's Amusement Park. After hours there wouldn't be anyone watching the parking lot and kids could wander over to the parking lot from Bell's. Mr. Carroll further stated that a six-foot fence is easily scaled and he believes that an eight-foot fence could be easily scaled as well.

Mr. Carroll expressed concerns with the lighting from the parking lot spilling over into his yard and home.

Mr. Midget stated that he is sympathetic to what Mr. Carroll is stating about the parking lot. There are similar situations all over, but it is the Planning Commission's job to find a way to have more businesses to come in and not be so intrusive. He could support this if it is not intrusive to the neighborhood.

Mr. Jackson asked staff if the applicant would have to come for a detail site plan with the PK zoning.

Ms. Matthews stated that they will have to plat, but it is straight zoning and there are no restrictions other than the PK restrictions. Right now there is a verbal commitment from the applicant as to the fencing, and there is every reason to

believe he will keep his commitment. However, a PUD would allow restrictions and some control.

Mr. Bernard stated that the decorative fence idea can't be enforced with straight zoning. In response, Ms. Matthews stated that this is straight zoning and the Planning Commission can't put any restrictions on it.

In response to Mr. Bernard, Mr. Boulden stated that if the applicant chose to not keep his commitment about the fence, there is nothing anyone could do about it.

Mr. Jackson stated that PK zoning has a fencing requirement and setbacks.

Mr. Ard asked if the applicant would have to follow the Kennebunkport lighting requirements. In response, Ms. Matthews stated that the applicant wouldn't have to follow it, nor would he have to light the parking lot in a straight zoning.

Mr. Carnes asked Mr. Nicks if his client would be willing to continue this case and consider a PUD in order to have controls on the lighting and fencing. In response, Mr. Nicks stated that his first choice would be granting the PK zoning, but he would be willing to continue the case and let his applicant determine if he should file a PUD. This is a small project and it would make economic sense if it could be done quickly, but he can't speak for his client regarding the PUD. He commented that Mr. Johnson is a man of his word and he would keep his commitment. This will be a quality project and he appreciates the alternative of a PUD and if the zoning is denied today, that would be an option.

Mr. Carnes suggested that the zoning case be continued and allow any fees available to go toward the PUD.

Ms. Matthews stated that there will not be many fees to apply toward a PUD because the mailing, noticing and staff work to review the zoning case have been completed. Staff would be open to a continuance and to continue to work with the applicant.

Mr. Jackson stated that this is adjacent to the fairgrounds and there are no houses on the east side of Louisville; therefore, he would be inclined to approve the PK zoning. If the applicant is building a new building that will average \$150.00 dollars a square foot, he doesn't think he would be chintzy on the fencing requirement. The parking lot would have at the most is 20 parking spaces and there wouldn't be an abundance of lights.

Mr. Jackson made a motion to approve the PK zoning for Z-7019.

No second.

Mr. Ard stated that he has a tendency to agree with Mr. Carnes regarding a PUD. PK opens the door to wide to lack of control. This is an expensive development and they could probably do a PUD application. The PUD could be structured in a manner that the neighborhood, as well as the applicant, could be all on the same side.

Mr. Bernard stated that he tends to agree with Mr. Jackson. He compared this application to the Teacher's Credit Union located down the street.

Mr. Harmon asked if the credit union was in a PUD.

Ms. Matthews stated that she believed that the credit union is within a PUD and there may be several PUDs involved with the credit union area.

Mr. Harmon stated that he suspects that the credit union is within a PUD and if a PUD was used on the subject property, it would be keeping with what is in the area.

Mr. Jackson suggested that this be continued to the next meeting and let Mr. Johnson come back to tell the Planning Commission if he would like to file a PUD or request straight zoning.

Mr. Harmon agreed.

Ms. Hill encouraged the applicant and the neighborhood to have dialogue during the process and try to compromise.

Mr. Nicks asked if this is continued, then would it be a continuance on the application for PK zoning and if Mr. Johnson comes to the meeting, then PK would be considered or he determines whether he would like to file a PUD.

Mr. Jackson explained the continuance to Mr. Nicks.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Bayles, Horner "absent") to **CONTINUE** Z-7019 to March 22, 2006.

Commissioner Collins out at 2:42 p.m.

Application No.: Z-6579-SP-4

CORRIDOR SITE PLAN

Applicant: Charles Norman/Robert D. Nelson (PD-26) (CD-8)

Location: North of northwest corner East 101st Street and South Memorial Drive

STAFF RECOMMENDATION:

PUD-701 March 2004: Approval was granted for a Planned Unit Development on a 4.56 acre tract located on the northwest corner of East 98th Street South and South Memorial for an automotive dealership.

Z-6879/PUD-678 October 2003: A request to rezone a 9.63 acre tract from RS-1 to RS-4 with a Planned Unit Development for a residential development was filed. TMAPC and City Council concurred in denial of RS-4 and approved RS-3 zoning. The PUD was approved for residential development for no more than 33 dwelling units and a minimum of two access points from a public street to the development. The property is located west of the northwest corner of East 98th Street South and South Memorial Drive and on the south side of the Creek Turnpike.

PUD-671 September 2002: TMAPC granted approval for a Planned Unit Development on the subject tract for an automotive dealership. City Council voted 4:2:0 to deny the PUD.

PUD-405-K/Z577-SP-15 June 2002: A major amendment and Corridor Site Plan was approved to allow a single-family development with 140 dwelling units, and private gated streets in the development area originally proposed for multifamily use. The area borders the Creek Turnpike on the north and is west of South Memorial Drive.

PUD-603-A/Z-6579-SP-2 January 2000: All concurred in approving a request for a major amendment to PUD-603. The original PUD and corridor site plan designated four development areas for retail commercial and office use, including an automotive dealership on the south 2.5 acres. The major amendment was approved for two development areas on a 9.4 acre tract located on the southwest corner of East 98th Street and South Memorial Drive. Development standards and CS uses were approved for both development areas.

PUD-603/Z-6579-SP-1 January 1999: A Planned Unit Development and Corridor Site Plan were approved to allow proposed retail and office use on property located in the southwest corner of East 98th Street South and South Memorial Drive.

Z-6617/PUD-581 February 1998: All concurred in approval of a request for CO zoning on an 11.9 acre tract abutting the subject tract on the east. The Comprehensive Plan did not support CO zoning to a depth greater than 500 feet from South Memorial Drive, but staff and TMAPC concurred that the drainage way and City of Tulsa detention facility located southwest of the property established a natural demarcation for the CO zoning to a depth of 1,320 feet. The accompanying PUD was also approved for a proposed multifamily development.

Z-6579 March 1997: A request to rezone a 30.8 acre tract located south of the subject tract and west of the southwest corner of East 98th Street and South Memorial Drive from AG and RS-1 to RS-3/PUD for a single-family residential development. All concurred in approval of the request, subject to modifications.

Z-6578/PUD-554 January 1997: A request to rezone a 30.8 acre tract located south of the subject tract and west of the southwest corner of East 98th Street and South Memorial Drive from AG and RS-1 to RS-3/PUD for a single-family residential development. All concurred in approval of the request, subject to modifications.

Z-6140 February 1987: All concurred in approval of a request to rezone a 370 foot by 417 foot tract located in the southwest corner of the Creek Turnpike and South Memorial Drive from AG to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is heavily wooded and generally slopes from the east along South Memorial Drive to the west toward the Audubon Park residential subdivision. The highest elevations of the site are approximately 725 feet above Mean Sea Level (MSL) at the northeast corner of the property. The lowest elevation is near the southwest corner at approximately 698 feet above MSL. A retaining wall extends along the subject tract's south boundary separating it from the convenience store, which is at a higher elevation.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial	120'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by an automotive dealership zoned CO/PUD; abutted on the west by a single-family residential subdivision zoned RS-3/PUD; on the south by a convenience store/service station and car wash zoned CS; on the southwest by a tobacco shop zoned AG; on the east by South Memorial Drive across which is an automotive dealer ship and vacant land zoned CO/PUD.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity and Low Intensity Corridor District, which means allowable uses are either Corridor or low intensity. The requested corridor site plan **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The proposed corridor site plan was the subject of the Planned Unit Development Number 671 which was recommended in 2002 for approval by the Tulsa Metropolitan Area Planning Commission staff and by a unanimous planning commission vote; however, the application was denied by the Tulsa City Council by a vote of 4:2:0. Since the denial of PUD 671, the Nelson Mazda dealership has been constructed immediately north of the site and the Jackie Cooper Nissan dealership is now in operation at the southwest corner of East 98th Street South and South Memorial Drive, both in PUD 603-A. The purpose of the present application is to permit the expansion of the Nelson Mazda dealership onto the north 195 feet of the subject property and to obtain authorization for the use of the remainder of the property for an additional dealership or alternative commercial use as noted in Exhibit A.

The proposed corridor site plan contemplates 50,000 square feet of floor area, twice the amount approved per PUD 671; but the proposed 23 percent floor area ratio is still less than the 50 percent permitted in the adjacent CS district and less than the 1.25 percent permitted by underlying CO zoning.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-6579-SP-4 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the

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

Therefore, staff recommends **APPROVAL** of Z-6579-SP-4 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:

Net Area: 4.91 acres 213,880 SF

Permitted Uses:

Uses permitted by right within a CS district, excluding Use Unit 12A uses; and automobile and light truck sales (new and used), repair and service (excluding body repair and painting) and auto wash only as included within Use Unit 17. No outside repair or service of vehicles or storage of vehicles under repair is permitted.

Maximum Building Floor Area: 50,000 SF

Maximum Building Coverage Per Lot: 30%

Minimum Lot Frontage on Memorial: 150 FT

Minimum Building Setbacks:

From South Memorial Drive right-of-way	60 FT
From the west boundary	
Building	150 FT
West facing garage doors or vehicles entries	250 FT
From the south boundary	20 FT
From the north boundary	20 FT

Maximum Building Height: 35 FT

Architectural elements and business logos may exceed the maximum building height with detail site plan approval.

Minimum Off-Street Parking:

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

Minimum Landscaped Area:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the landscape Chapter of the Tulsa Zoning Code.

Minimum Access Drive Setback:

From abutting residential district 35 FT

Minimum Bulk Trash Container Setback:

150 FT

Signs:

One ground sign for each lot with frontage on Memorial Drive is permitted, which shall be on the Memorial Drive frontage and shall not exceed 25 feet in height or 160 square feet of display surface area. All promotional signs and flagpoles shall be to the east of all buildings on a lot. Promotional signs, including inflatable devices, shall not exceed the height of the principal building on the lot. Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code. No wall signs shall be allowed on the west-facing walls of buildings.

Access:

Each lot shall have vehicular access to all other lots in the property over mutual access easements. There shall be a maximum of three access points onto South Memorial Drive. The northernmost full access driveway onto South Memorial Drive shall be mutually accessible from the adjoining tract to the north and shall be designed to provide adequate stacking distance for automobiles waiting to enter Memorial Drive. All access shall be approved by Traffic Engineering, the Tulsa Fire Department and the Tulsa Metropolitan Area Planning Commission. No barriers preventing access and use of the mutual access easement shall be permitted.

Sidewalks along South Memorial Drive shall be provided by the developer.

Landscaping and Screening:

A landscaped buffer strip at least 35 feet in width shall be provided and maintained along the west boundary of the Corridor Site Plan. Every effort shall be made to preserve all healthy existing trees of two-inch diameter or larger in the buffer strip. Additional trees shall be planted with a minimum two inch diameter and eight feet in height as shown on Exhibit C-1. Smaller ornamental trees with a minimum 1.5 inch diameter and six feet in height will also be planted.

A six-foot high masonry screening wall (similar to the screening wall on the adjacent north property) shall be constructed 35 feet east of the west boundary. Landscaping and/or terracing of the proposed retaining wall, also to be constructed 35 feet east of the west boundary, is recommended as appropriate to soften the affect on adjacent residential. Each tree two-inch caliper or greater which is removed for terracing should be replaced by a minimum two-inch caliper tree and planted within the 35 foot landscaped buffer.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. No light standards or exterior lights shall be permitted within 75 feet of a residential lot. No light standard in excess of 12 feet in height shall be located within the west 150 feet of Z-6579-SP-4. No light standard or building mounted light shall be in excess of 25 feet in height within the remainder of the property.
7. Light fixtures shall be arranged so 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 elements or reflection of the light fixture from being visible in the adjacent residential area or residential streets rights-of-way. Compliance shall be in accord with the City of Tulsa Zoning Code and the application of the Kennebunkport Formula, which must include in the calculation consideration of topography.
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. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 805.E of the Zoning Code have been satisfied and approved by the TMAPC and filed

of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the [City/County] beneficiary to said covenants that relate to PUD conditions.

11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. 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 Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.
14. An external public address or pager/speaker system is prohibited.

TAC COMMENTS FROM MARCH 2, 2006:

General – No comments.

Water – A water main extension line will be required.

Fire – No comments.

Stormwater – No comments.

Wastewater – No comments.

Transportation – Grading contours are not shown on exhibits. Additional right-of-way may be required for improving the arterial to six-lane traffic while accommodating sidewalks and landscaping draining at 2% to curbed pavement, and for maximum 4:1 embankment slope without the need for a retaining wall.

Traffic – No comments.

GIS – No comments.

County Engineer – No comments.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing the Nelson Brothers, stated that the subject area has become a major location for new car dealerships in the Metropolitan Area. Mr. Norman described the surrounding properties and their uses. He described the past applications, topography and location of the subject property. The newest developments in the subject area were described since the last application was denied on the subject property. Mr. Norman submitted photographs of the subject area and the Nelson Mazda dealership (Exhibit A-1).

TMAPC COMMENTS:

Mr. Ard asked Mr. Norman if the trees in the pictures are two-inch diameter trees. In response, Mr. Norman stated newly planted trees are at least two inches in diameter and they have had at least one season of growth, so they may be a little larger than when they were planted.

Applicant's Comments (continued):

Mr. Norman described the setbacks from Audubon Park and the lighting restrictions for the existing Mazda dealership. Mr. Norman continued to describe the surrounding area while displaying pictures from Exhibit A-1.

Mr. Norman stated that the concept is to maintain an uninterrupted transition zone of 35 feet and have trees that are more than two inches in diameter and some considerably more than that. The landscaping proposal calls for preservation of trees that are two inches in diameter or more and installation of any additional trees that are indicated by the darker circles according to the standards and specifications. The trees will be a minimum of eight feet in height at planting.

Mr. Norman discussed the retaining walls and screening fences, which will protect the sight lines from the residences. There will 150 feet of setback to the nearest building and then no lights in the first 75 feet and no lights in the west 150 feet higher than 12 feet.

Mr. Norman stated that there will be a mutual access easement for any of the properties to go north and two right-turn ingress/egress points as shown on the circulation plat.

Mr. Norman stated that staff has recommended that this application be approved with several suggestions. He indicated his agreement with the staff recommendation and requested that the Planning Commission to approve this application per staff recommendation.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Norman if the retaining wall starts out at two feet and goes up to ten feet in height. In response, Mr. Norman stated that the retaining wall would probably be a little higher than ten feet at the very south property line.

INTERESTED PARTIES:

Jeannine Terry, 9963 South 79th East. Avenue, Tulsa, Oklahoma 74133, stated that she is in opposition of this proposal. Ms. Terry reminded the Planning Commission that the exact plans that have been submitted today were turned down in 2002. She commented that Mr. Nelson didn't keep his promises that he made to the neighborhood. The expansion of the Mazda dealership is not an appropriate limitation on the character and intensity of use and it is not compatible with the adjoining homes. This case is exactly why the voters

overwhelming approved the zoning amendment on March 7th. This amendment levels the playing field for the homeowners.

TMAPC COMMENTS:

Mr. Harmon stated that the subject property fronts onto Memorial. He asked Ms. Terry if she believes it would not develop commercially. In response, Ms. Terry stated that she believes it will develop commercially, but it is not zoned for that, and when something is brought in within the zoning, then she might be able to talk with them. The identical plans were rejected once and she doesn't believe she is in the mood to talk with them again.

Ms. Matthews stated that the subject property is zoned corridor and there are a number of uses that could go in there. Anything proposed would require a corridor site plan, which this applicant has done.

INTERESTED PARTIES:

Steve Bengé, 9945 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that there is nothing new being proposed today. Somewhere along the way, INCOG decided that they could reinvent the wheel and put car lots against residential areas. He indicated that the car lots have diminished the property values of the homes in the subject area.

Mr. Bengé stated that the neighborhood is not resistant to development. He explained that when the other car dealership came into the subject area the HOA worked out a compromise and they now have had their pockets picked. He complained of about the lights spilling into their homes and yards from the car lots. Mr. Bengé stated that he is unable to sell his home due to the car lots. He indicated that he would prefer a church or office use on the subject lot.

John Mansfield, 7829 East 99th Street, Tulsa, Oklahoma 74133, stated that his home backs up to the existing car lot, which was a horrible mistake. Houses and high intensity commercial are incompatible. Now the HOA has some experience and knows what the problems are that occur from car lots abutting houses. Lights shine into the backyards and into their homes. The lights shine into their homes all night and every night. If the Kennebunkport formula is what Mazda has now, it doesn't work.

Mr. Mansfield stated that the landscaping that Mr. Norman indicated on the photographs is a joke because it doesn't screen. There was an agreement with Nelson for the Mazda dealership that the HOA would be consulted when the landscaping plan was finalized; however, the HOA was never consulted and their phone calls were never returned. He commented that this is not low intensity and he will not be talked into having another car lot next to his home again.

Mr. Mansfield stated that he would suggest thicker foliage, but Nelson Mazda doesn't want to do it and staff isn't recommending it. He doesn't understand why

staff doesn't recommend thicker foliage, except that they do not have to live there.

Mr. Mansfield stated that Memorial is lousy with car lots. The traffic is a problem with people trying to get in and out of the car dealerships. The fact that there are too many car lots in the subject area now is reason enough to stop additional car lots from coming in. He doesn't have any desire to discuss a car lot with this applicant due to past experience.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Mansfield if he believes that the PUD next to the subject area has not met their PUD standards. In response, Mr. Mansfield stated that they did not work with the HOA on the agreements that were outside of the PUD.

Mr. Harmon stated that he thought perhaps the PUD standards had not been met, but obviously this was something between the HOA and the applicant. Mr. Mansfield stated that the HOA made an agreement with Nelson's and they were nowhere to be found, and they installed the landscaping without the HOA's review or support.

INTERESTED PARTIES:

Glen Terry, 9963 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that he is in opposition to this proposal for the same reasons as the previous speakers. He commented that he is not opposed to commercial low-intensity uses, but the car lot is not compatible. Mr. Terry submitted letters protesting the car lots (Exhibit A-4).

Mr. Terry stated that it would be a shame for the City to deliberately cause home values to decline by thousands of dollars for the benefit of one business. He requested the Planning Commission deny this proposal.

Greg Frye, 9928 South 78th East Avenue, Tulsa, Oklahoma 74133, stated that he is one of the builders who built the majority of the homes in the addition and he lives in the subject addition as well. He stated that there is no buffer between the car lots and the housing additions and he opposes the car lot. The homeowners would prefer an office or bank use, etc. He wouldn't oppose a doctor's office or medical facility. Mr. Frye explained how the property value has depreciated, which he believes is due to the car lots.

Karen Forbes, 9957 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that she opposes the high density usage. She commented that Memorial Drive is higher than her second story window and it would be impossible to shield the lights from shining into her home and back yard. Other dealerships that are on lower elevations haven't been able to shield the lights from her home. The lights are 24 hours and seven days a week. Ms. Forbes concluded that this use is not compatible and requested that the Planning Commission deny this application.

Mike Dillan, 9958 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that when there is an elevated platform, such as the Mazda dealership, sound waves spread instantaneously. As soon as a sound wave comes over a barrier it automatically drops to the full remaining area of that. The barrier doesn't really stop any sound coming from the car lot, but it is trapping the sound against it and forcing it back into the homes.

Mr. Dillan stated that he has a mechanical and aerospace engineering background and he is not as eloquent a speaker as his neighbors. He compared today's meeting to the Simpson trial with high-powered attorneys getting his rich client what he wants. He expressed that he feels like a fish out of water today.

Mr. Bernard assured Mr. Dillan that he shouldn't feel like a fish out of water and that the Planning Commission will hear him.

Mr. Dillan commented that the previous car lots that have been allowed in the subject area have been disastrous. He compared the car lots as being the locust to the business community and the residential community. They move into a prosperous developing area and build structures that can't be used for any other form of business. There is a large parking lot and very little office space and it is not economical to tear up the parking lot and existing buildings to build another one. The property values drop due to increases in traffic, noise and crime. The car lots eventually abandon the existing property for greener pastures because the clientele they want will no longer come to the area, which leaves the area decimated. He indicated that a good example of this is along 11th Street, Sheridan and some places along Memorial drive. He suggested that these be viewed during the day because the police patrol is not as active at night as it should be.

Mr. Dillan stated that car lots bring nothing positive to the community and there is no benefit from them coming in. He reiterated a previous speaker's suggestion that an office space for medical, bank, attorney's office, etc. should be allowed. He is not opposed to developing the subject property that fits the existing Zoning Code, but to twist the law for the sole purpose of greed he can't and will not stand for it. Mr. Dillan emotionally stated that he would not surrender his home to one man's greed and his sole vision. He concluded that he doesn't care how much money Mr. Nelson's attorney makes because he will not win this fight.

Scott Case, 9969 South 79th East Avenue, Tulsa, Oklahoma 74133, reminded everyone that Audubon Park was zoned residentially before this corridor was changed over to car dealerships. He understands Mr. Norman's idea of transition; however, the residents were there first. Mr. Case read Title 42, of the Zoning and Property Restrictions, Chapter 4, Section 400.A.2. He doesn't believe that a car lot is in harmony with a residential district. He commented that

if Mr. Norman would like to purchase his home for \$389,000.00 like he paid for it, then he would make that deal and let him lose money on the house.

Councilor Christiansen stated that he represents this district and he takes it very seriously. He commented that the existing property came before the City Council previously for a car lot and it was turned down. It was turned down for a valid reason due to the terrain being significantly higher than the residential back yards. The residents worked with Mr. Nelson when he decided to develop the Mazda dealership. He has watched one of the homes that has been on the market for nine months and the owner has lowered the price for \$45,000.00 dollars. He commented that the neighbors negotiated with Mr. Nelson in good faith and now they are suffering tremendously. The main way that they are suffering is the property values.

Councilor Christiansen stated that he has concerns for the citizens that he represents if this proposal is approved. He submitted a summons that was served on Mr. Nelson for not having the proper lighting in the subject area (Exhibit A-2). This is example of how the standards are not followed that the Planning Commission and City Council put in place. Councilor Christiansen concluded that he has concerns that if this proposal is allowed it would diminish the houses more and lower their quality of life. As a City Councilor he felt compelled to come to the meeting today and convey his concerns.

Mr. Bernard requested Mr. Norman to start his rebuttal by describing the difference between this proposal and the proposal that was denied by the City Council in 2002.

Applicant's Rebuttal:

Mr. Norman stated that the PUD is essentially the same as what was presented in 2002. This is a corridor site plan because the staff encourages corridor site plans rather than PUDs in corridor-zoned areas. The difference that has occurred is that since 2002 is that a detail site plan was approved for the Nelson Mazda dealership and the PUD covenants were included in the plat and the site plans were approved by the Planning Commission. Jackie Cooper Nissan was also approved and the BMW dealership has been approved with basically the same kinds of standards. Mr. Norman listed all of the auto dealerships that are in the subject area.

Mr. Norman stated that property on both sides of Memorial from the expressway of 101st and north to 91st has always been considered to be eligible for corridor district zoning. The property was zoned corridor prior to the development of Audubon Park. Mr. Ramsey sold part of the property that was developed as Audubon Park with the understanding that water and sewer service would be provided and the detention facility would be the size to handle the capacity for the development of the corridor frontage. There was never any question about the subject property being developed with some type of commercial usage

through the corridor site plan and PUD process. This originally started at 91st and Memorial with the Joe Marina dealerships approximately 20 years ago. Subsequently the Fred Jones, Jim Norton, etc. have since built in the subject area. The original proposal was turned down four to two at the City Council and three auto dealerships have occurred since that time.

Mr. Norman stated that he represented Jackie Cooper for the Nissan dealership on 98th Street at that time. Mr. Bengé, was president of the neighborhood association and his wife, Shannon Bengé, was very active. He indicated that he met with Shannon Bengé in Mr. Sack's conference room to review the entire project and asked to meet with the neighborhood. Ms. Bengé set up the meeting and then called stating that no one was interested in coming to the meeting so it was cancelled. There were no objections when the plans were presented to the Planning Commission. During the Planning Commission meeting, the president of the neighborhood association appeared and stated that he wanted to make sure that these plans are carried out (meeting of October 2002). More recently he has tried to contact Audubon Park HOA and found that the previous president was no longer there and the Bengés' house had been for sale for at least nine months (long before the existing application was proposed or filed). The new president was contacted in order to set up a meeting with the neighborhood and his reply the next day, to his surprise, was that the people were not willing meeting nor discuss this application, which explains their position adequately in terms of their opposition to what has already been approved up and down this mile of Memorial, except for this 500-foot length adjacent to 5.5 lots when existing dealerships are located to the north behind eight or more lots.

Mr. Norman stated that he contacted representatives of the Jackie Cooper lot to see if they had received any complaints about the landscaping or any other conditions and he was informed that they haven't. The Nelsons have had no complaints except about the lighting as it was originally installed. Mr. Norman submitted a letter from the lighting company explaining that they take responsibility for having installed the improper lights to the north and that the wall packs on the west wall were not properly screened (Exhibit A-3). The lighting issues were taken care of through the lighting company and the citation referred to by Councilor Christiansen was dismissed. To his knowledge, there have been no further complaints about the operation.

Mr. Norman stated that it is inappropriate to make comparisons between 11th Street and the car dealerships that have been located on the subject area of Memorial Drive under the supervision of the PUDs and corridor district site plans. There is no relevance and no comparison in any way to what has been described on 11th Street and what has been developed along Memorial.

Mr. Norman pointed out that the landscaping at the Nelson dealership is in exact accord with the detail landscape plan. He commented that he did not represent the Nelson Mazda dealership at the time, but he believes that the adjacent

neighbors were given notice when the site plans were being considered for approval. Mr. Norman reiterated that the landscape plans are in accord with the approval of the Planning Commission. Mr. Norman displayed the photographs from Exhibit A-1 once again.

Mr. Norman stated that there are no stub streets from Audubon Park into any of the subject property. It was designed, platted and laid out on the assumption that there would be a non-residential use between Memorial Drive and that 400-foot strip of corridor district zoning, which was in existence when these houses were constructed. The subject area represents the latest in planning thought and design for the transition between residential uses and other types of commercial activity. If this were approved for commercial and no automobile dealerships, then the buildings would be moved farther back on the property and the parking would be in the front and then there would be problems with the back of the buildings being for loading and unloading deliveries. Mr. Norman commented that he doubts that the property value issues that were raised today are a result of this kind of development which pushes these buildings back. He reminded the Planning Commission that entrance doors have to be back 250 feet to the east of the property boundary line. Mr. Norman stated that with the changes that have occurred and the successful development that has taken place with the PUD and corridor standards, he requested that this application be approved per the staff recommendation.

TMAPC COMMENTS:

Mr. Bernard stated that the property owners have a legitimate case that their property values have been injured based on the existing scenario and he asked what is to say it wouldn't be devalued more if this type of development is allowed to go farther south.

Mr. Norman stated that, contrary to the issues and statements that have been made, dollars are not an issue before this Planning Commission. He reminded the Planning Commission that the subject property was zoned in the corridor district before Audubon Park was developed. People who purchase homes or lots that back up to vacant ground that fronts on Memorial Drive are on notice that something would be there other than residential development. Automobile dealerships of these types that can afford to be in these locations are not the used car lots of 11th Street. They are designed for what they are, and under the regulations they would have less adverse effect on the value of adjacent property, less effect than commercial closer to the backs of the residents with parking in the front. Parking that is in the backs of the car lots is passive parking. Car dealerships generate fewer trips per thousand square feet than any other kind of commercial.

Mr. Norman concluded that this application deserves the Planning Commission's support as it did four years ago.

Mr. Ard stated that he discussed this case with staff prior to the application, particularly the lighting issues with the Mazda dealership. Mr. Ard asked Mr. Norman if the lighting issues have been corrected. Mr. Norman stated that the lighting issues have been corrected to the satisfaction of Candy Parnell, Neighborhood Inspections, and the citations were dismissed. Mr. Norman commented that it did take longer than it should, but that is explained by the contractor who built the buildings and installed the lights.

Mr. Jackson recognized Mr. Bengé.

Mr. Bengé stated that he would like to clear the record since his wife's name was mentioned. She is not an inspector, but a Buildings Inspection Manager and a 23-year employee of the City of Tulsa. The Jackie Cooper property was rezoned prior to any residence in Audubon Park.

Councilor Christiansen stated that he believes that everyone understands that it is corridor zoned with low density. He pointed out the transition between the existing car lots and residential along Memorial. He explained that the subject proposal is to allow a car dealership right up against a residential without a transition area.

Mr. Jackson stated that there has been a lot of discussion about commercial, corridor, high intensity and low intensity. In reference to the Comprehensive Plan, what type of intensity is the underlying pattern? In response, Ms. Matthews stated that corridor was created to be the place where the most intense uses were to be located because of the proximity to transportation and visibility. Ms. Matthews commented that it is disingenuous to say that this is low-intensity corridor because it is simply an oxymoron. Ms. Matthews explained that the definition of corridor is high intensity. Mr. Jackson stated that there is no such thing as low-intensity corridor. Ms. Matthews explained that when the Comprehensive Plan states it is low-intensity with a corridor around it, it means that if it doesn't develop to corridor intensity, then it is anticipated that it would develop with a lower intensity. Ms. Matthews concluded that corridor trumps the intensity.

Mr. Harmon stated that he can appreciate the homeowners' concerns, but with the restrictions that are built in with this, it provides the protection that homeowners need and he could support this application.

Mr. Ard stated that in this case he would have to agree with Mr. Harmon. Corridor zoning allows a lot of commercial development and all types of different commercial developments. Mr. Ard cited the various uses that could be in the corridor zoning. He commented that it allows a much heavier intensity and development than what is proposed today. This proposal has a large setback and low building density. The lighting issue that was raised with the Mazda dealership is a code enforcement issue and it has been corrected. He believes

that the Kennebunkport Guidelines, if followed correctly, provide protection for adjacent properties. A buffer would be great, but there is a CO district abutting the residential district. It would take a complete zoning change for a portion of the CO property. This proposal is one of the lower intense uses that could be placed on the subject property.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **4-4-0** (Ard, Harmon, Jackson, Midget "aye"; Bernard, Cantees, Carnes, Hill "nays"; none "abstaining"; Bayles, Collins, Horner "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-6579-SP-4 per staff recommendation.

No recommendation due to tied vote.

After discussion, the Planning Commission decided to send this application to the City Council without a recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Collins, Horner "absent") to **APPROVE** that Corridor Site Plan for Z-6579-SP-4 be sent to the City Council without a recommendation from the Planning Commission.

Mr. Carnes out at 4:00 p.m.

Application No.: CZ-374

AG TO AG-R

Applicant: Kelvin Limbocker/Faith Assembly Church

County

Location: Southwest corner of East 136th Street North and North 119th East Avenue

STAFF RECOMMENDATION:

CBOA-2186 December 2005: The Board of Adjustment denied a request for a Variance of minimum lot area from 2 acres to .84 acres; and a Variance of the minimum land area per dwelling unit from 2.1 to .84 acres, to permit a lot split in an AG district finding lack of hardship and to allow the application fee to be applied to a re-zoning or new BOA application recommended by staff, located on the subject property.

CBOA-1794 November 2000: The Board of Adjustment approved a request for a Special Exception to permit an existing church and an addition to the church per plan, located on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size; the property has a house and church on it and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 136 th Street North	Secondary arterial	100'	2 lanes
South 119 th East Avenue	Residential	n/a	2 lanes

UTILITIES: The subject tract has rural water from Washington County Rural Water District #3 and no sewer. Sewer must be by extension of existing service, septic or alternative system.

SURROUNDING AREA: The subject tract is abutted on the north by residential uses, zoned RS; to the east by North Old Highway 169 and manufactured homes, zoned RMH; to the west by vacant land, zoned AG to the south by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Collinsville Comprehensive Plan 1981-2000 designates the north half of the subject property as Low Intensity Residential and the south half is designated Public or Quasi-public land. The requested AG-R zoning is in accord with the Collinsville Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding uses, staff can support the requested AG-R zoning and recommends **APPROVAL** of AG-R zoning for CZ-374.

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 HILL, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-374 per staff recommendation.

Legal Description for CZ-374:

A tract of land situated in the NW/4 of the NE/4 of the NW/4 of Sec. 32 T22N R14E and more particularly described as follows: Beginning at the NW corner of NE/4 NW/4 Sec 32 T22N R14E, thence South a distance of 660', thence East a distance of 287.6', thence NE and parallel with the A.T.S.F. RR a distance of 346', thence West a distance of 125.1', thence North a distance of 345', thence West a distance of 305' to the point of beginning containing 5± acres, Tulsa County, State of Oklahoma, **From** AG (Agriculture District) **To** AG-R (Agriculture-Residential District).

Application No.: CZ-373

AG/CS to CG

Applicant: Wedel Trust

County

Location: 11700 North Garnett

STAFF RECOMMENDATION:

CZ-216 December 1994: All concurred in approval for a request to rezone a 109.17-acre tract from AG to RS/RE; RS zoning for the area south of 120th Place North and RE zoning for the area north of 120th Place North, on property located north and west of the northwest corner of 116th Street North and North Garnett Road and located north and west of subject property.

CZ-191 August 1991: All concurred in denial for a request to rezone a .5-acre tract from AG to CG and approval for CS for commercial development, on property located south of the southeast corner of East 116th Street North and North Garnett Road and located south of subject property.

CBOA-1457 October 1996: The Board of Adjustment approved a request of a Special Exception for auto sales, Use Unit 17, in a CS district, per plan with conditions of maximum 20 cars and no outside storage of auto parts or accessories and no auto repair work done on site located on property on the northeast corner of East 116th Street North and North Garnett Road and abutting subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.5± acres in size; the property is vacant and zoned AG and CS.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 116 th Street North	Primary arterial	n/a	4 lanes

UTILITIES: The subject tract has access to water and sewer available through the City of Owasso.

SURROUNDING AREA: The subject tract is abutted on the north by residential uses, zoned AG; to the east by residential uses, zoned RS-3; to the west by residential uses, zoned RS-3 and to the south by a car wash, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The City of Owasso 2015 Land Use Master Plan indicates this area is in transition, and as such, office zoning may be considered. According to the Tulsa County Zoning Code, notice of any C rezoning application confers ability to consider any O district designation.

STAFF RECOMMENDATION:

Based on the City's Land Use Master Plan and surrounding uses, staff cannot support the requested rezoning and therefore recommends **DENIAL** of CG zoning for CZ-373 and **APPROVAL** of OL in the alternative.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Matthews if the CH and CG zonings were too broad based. In response, Ms. Matthews stated that staff rarely recommends CH unless it is adjacent to existing or is an expansion to it. Ms. Matthews further stated that she can only remember one case in the past 20 years that the Planning Commission has embraced the CH zoning. Ms. Matthews commented that this is a larger-lot type of development on both sides of the subject property and it is in an area that is not industrialized nor heavily commercialized. Ms. Matthews stated that she can't imagine what situation would prompt the Planning Commission to approve the CH. Ms. Matthews commented that CG zoning is the next level of intensity. Ms. Matthews further commented that CS zoning would be a stretch on the subject property.

Applicant's Comments:

Jane Enzbrenner, 11960 East 86th Street North, Owasso, Oklahoma 74055, representing the property owners, Mr. and Mrs. Buller (Wedel Trust), asked what AG and CS mean with regard to the subject property.

Ms. Matthews explained that part of the subject property is zoned AG and there is a small portion of CS-zoned as well.

Ms. Enzbrenner indicated that she was surprised to see staff recommending denial. She further indicated her surprise with the City of Owasso's letter regarding the subject property and that Owasso has no recommendation regarding the zoning. Ms. Enzbrenner cited the various zoning and uses in the subject area. She explained that the subject property has been in the Wedel family since 1961 and approximately five years ago they sold the east portion of the property for residential use. The Wedel family has been holding onto the subject property for a long time with the anticipation of developing commercial.

Ms. Enzbrenner stated that with all of the new housing development in the subject area, there is a strong need for commercial development.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Enzbrenner if the plan was to rezone the subject property in order to sell or to develop. In response, Ms. Enzbrenner stated that the Wedel Trust is trying to sell it. There is a contract on a portion of the subject property for a restaurant.

Mr. Jackson stated that there several levels of commercial zoning and staff is concerned about the CG level because it triggers a high intensity of use. He believes that CS would provide the property owner the opportunity for commercial businesses onto the site. Mr. Jackson cited the types of uses that could be allowed by right in the CG district, which would be of concern with the subject property. Mr. Jackson asked Ms. Enzbrenner if her client would be inclined to look at CS zoning. In response, Ms. Enzbrenner stated that they have indicated that they would.

INTERESTED PARTIES:

Patrick Mitchell, 11750 North 115th East Avenue, Collinsville, Oklahoma 74024, stated that he lives east of the subject property. He expressed concerns with the change in zoning because it is next to his backyard. He is not comfortable with having a restaurant or a strip mall in his backyard. This would give criminals opportunities to jump the six-foot privacy fence or chain-link fences. There would be no transition area between the subject property and his property. He expressed concerns with safety and lighting spilling into his home. The streets are not designed to handle the traffic that a commercial development would generate. The new development would bring noise and trash into the neighborhoods. Commercial this close to neighborhoods is not a good idea and perhaps an office building would be a better choice.

James Jones, 11705 North 112th East Avenue, Collinsville, Oklahoma 74021, stated that he went around to about 2/3 of the houses that were on the map, and

the consensus was that seven out of eight residents would not accept a CG commercial rating. The main reasons for this opposition were traffic issues and the under-development of the current commercial lots in the subject area. It is true that the south side of the intersection, south-bound on Garnett, is commercialized but there are eight locations in this sparse commercial area that are vacant. Mr. Jones concluded that until roadways and existing commercial lots are fully developed, CZ-373 establishes no improvement to the local community for its safety. Mr. Jones requested that the Planning Commission support staff's recommendation to deny CG zoning.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Jones if he realizes that for the types of improvements he mentioned to occur, the right-of-way has to be established and granted. When property is rezoned the owner will have to dedicate right-of-way for that future street development. In response, Mr. Jones stated that he understands this and he understands he will have to accept growth. However, when seven out of eight people feel the same about this development, then the area is not ready for this type of development. History has shown that the subject area is unable to support commercial business at this time. Currently, it is one large business after another that is vacant and the property is in poor condition.

INTERESTED PARTIES:

Serena Larew, 11705 North 112th East Avenue, Collinsville, Oklahoma 74021, stated that there is currently a car lot in the subject area that is in poor condition. The existing commercial property is vacant and abandoned, which makes the esthetics appalling. She commented that anything over OL would destroy the esthetics of the residential properties. This area was developed to give residents a country style of life away from the city. The improvements that have been made at 96th Street have been done by keeping the esthetics of the area up to par with the standard of living the residents want. At 116th and Garnett this is not the case. The businesses are vacant and the property is poorly kept.

John Buller, 11801 North 113th East Avenue, Collinsville, Oklahoma 74021, stated that his house is the north boundary of the subject property. He indicated that he has lived in his home for over 40 years. Mr. Buller cited the various commercial properties in the subject area and their status. He stated that there are commercial properties on both sides of the road and very few residences. The new residences face away from the street. Most of these residences have six-foot security fences.

TMAPC COMMENTS:

Mr. Jackson stated that it is difficult to predict what will happen in certain areas. It is hard to say that a 40-year old property versus a new property will function in the same pattern. The abandoned Quik-Trip is not a good example because usually they do not sell to other convenience stores and that would limit the purchaser. There could also be underground storage tanks and the new owner

wouldn't want to take on the EPA liability. The subject area is located on old Highway 169 and it is an arterial street with commercial activity in the vicinity, whether it is vacant or active. He doesn't have an objection to down-zoning this from a CG to a CS. He doesn't believe that office light would succeed in the subject area at this time.

Mr. Harmon asked for the setbacks and screening requirements for CS zoning. In response, Ms. Matthews read the County Zoning Code requirements for CS zoning.

Mr. Harmon stated that he could support the CS zoning and it is not too intense for the subject area. He expects the subject area will grow and prosper.

Mr. Bernard stated that he could support CS zoning for the subject area. He doesn't believe that this proposal would be detrimental to the existing property value.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **5-2-0** (Ard, Bernard, Harmon, Jackson, Midget "aye"; Cantees, Hill "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner "absent") to recommend **APPROVAL** of the CS zoning for CZ-373.

Legal Description for CS-373:

PRT S/2 SW BEG 316N SW/C SW THENCE N 785.02 E 386 S 882.14 W 28 S 219.30 W 11 N 316 W 347 POB SEC 5, T-21-N, R-14-E 7.10 ± ACRES and PRT S/2 SW BEG 1100.96 N SW/C SW THENCE E 386 N 50' W 386 S 50 POB SEC 5, T-21-N, R-14-E .444 ± ACRES containing 7.5 acres more or less, Tulsa County, Oklahoma **From** AG/CS (Agriculture District/Commercial Shopping Center District) **To** CS (Commercial Shopping Center District).

Application No.: PUD-646-1

MINOR AMENDMENT

Applicant: Doug Walker

(PD-26) (CD-8)

Location: 6614 South 109th Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the building line from 30 feet to 25 feet from the west property line which is also East 109th Place South. The proposed residence is to be constructed on a corner lot, with frontage on both East 109th Place South and East 109th Street South. The lot is triangular in shape and becomes shallower toward the south boundary.

frontage on both East 109th Place South and East 109th Street South. The lot is triangular in shape and becomes shallower toward the south boundary.

Staff finds the amendment to be minor in nature and recommends **APPROVAL** of PUD-646-1 as proposed.

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, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner "absent") to **APPROVE** the minor amendment for PUD-646-1 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-625/Z-6735-SP-1c **SITE/LANDSCAPE AND SIGN PLANS**

Applicant: Clare Ashby, L/S Architects (PD-18) (CD-8)

Location: East of southeast corner of East 181st Street and South Mingo Road

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan and detail corridor site plan for a new medical office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-625.

The proposed building is in conformance with maximum permitted floor area and building height and meets minimum building setbacks. Parking and lighting are in compliance with development standards and the zoning code. The site exceeds minimum requirements for landscaped open space and exceeds minimum landscaped streetyard and landscaped parking requirements. The proposed trash dumpster is screened as required. Access to the site is provided by two mutual access easements, both of which remain unobstructed by the proposed improvements. Sidewalks are required, but not provided, in the East 81st Street South right-of-way.

Staff recommends **APPROVAL** of PUD-625 detail site and landscape plan and Z-6735-SP-1c subject provision of sidewalks in the East 81st Street South right-of-way.

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

The applicant indicated his agreement with staff's recommendation.

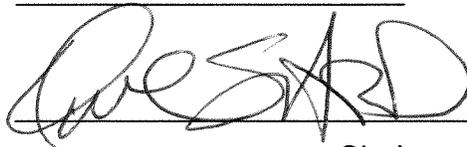
There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

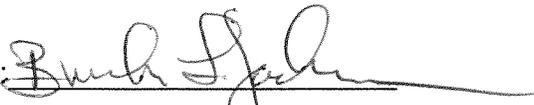
On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner "absent") to **APPROVE** the detail site plan for PUD-625/Z-6735-SP-1c, subject to provision of sidewalks in the East 81st Street South right-of-way per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 4:37 p.m.

Date Approved:



Chairman

ATTEST: 
Secretary