

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2452**

Wednesday, July 19, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Carnes	Alberty	Boulden, Legal
Bayles	Collins	Chronister	
Bernard	Harmon	Huntsinger	
Cantees	Midget	Matthews	
Jackson			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 13, 2006 at 3:15 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 1:34 p.m.

Mr. Bernard announced that Item 16, PUD-599-D – Kevin C. Coutant will require a renoticing and this item has been stricken from the agenda.

Mr. Bernard announced that during Item 24 the meeting room will have to be cleared of everyone except the Planning Commission, staff and Legal. He further announced that the television cameras will be turned off at that time as well.

Mr. Bernard read the opening statement and rules of conduct for the TMAPC meeting.

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**Minutes:**

**Approval of the minutes of June 21, 2006 Meeting No. 2449**

On **MOTION** of **BAYLES**, the TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford “aye”; no “nays”; none “abstaining”; Carnes, Collins, Harmon, Midget “absent”) to **APPROVE** the minutes of the meeting of June 21, 2006, Meeting No. 2449.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the actions before the City Council and BOCC. He further reported that there is one item on the City Council agenda this Thursday evening.

Mr. Alberty reported that Councilor Turner has requested reconsideration on a zoning case that the Planning Commission unanimously denied. Staff is waiting for the whole Council's approval to have this reconsidered.

Mr. Alberty reported that the receipts for the month of June 2006 are over last year's receipts by \$51,000.00 due in part to a really enormous and very busy June for the staff. The total receipts for June 2006 exceeded 2005 by over \$25,000.00. This has doubled, and in some areas tripled, the work load staff has had in the past. Mr. Alberty stated that he is pointing this out to say that from all indications applications are picking up and staff work load has increased measurably, but staff is up to the task.

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**SUBDIVISIONS:**

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-19939 – Tyler Leonard** (9207) (County)

Southwest corner Charles Page Boulevard and 65<sup>th</sup> West Avenue

**L-19972 – DeAughn Hall** (9132) (County)

15609 West 61<sup>st</sup> Street

**L-19973 – Roger Eldredge** (9418) (PD 17) (CD 5)

2160 South Garnett

**L-19974 – Sack & Associates** (8313) (PD 18) (CD 8)

West of the southwest corner of East 81<sup>st</sup> Street and Mingo Road

**L-19975 – Mary Kaiser** (7308) (County)

2525 East 134<sup>th</sup> Street

**STAFF RECOMMENDATION:**

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

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

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**LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:**

- LC-21 – James Hinds** (9212) (PD 7) (CD 2)  
1419 South Denver
- LC-22 – Michael Ives** (9319) (PD 6) (CD 9)  
3519 South Yorktown
- LC-23 – Mauzy Engineering** (9404) (PD 17) (CD 6)  
523 South 129<sup>th</sup> East Avenue
- LC-24 – Concept Builders, Inc.** (0319) (PD 2) (CD 3)  
1946 East 29<sup>th</sup> Street North
- LC-25 – Clear Brook Homes** (9319) (PD 5) (CD 5)  
1125 South 73<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD** the TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**PLAT WAIVERS:**

**BOA 20194-(8201)**

(PD 18) (CD 9)

1027 East 66<sup>th</sup> Place

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a special exception for a residential treatment center.

***Staff provides the following information from TAC at their July 6, 2006 meeting:***

***ZONING:***

TMAPC Staff: The plat waiver is for property zoned RM-2. A Special Exception (BOA 20194) was granted for a residential treatment center on 1/24/06 and triggered the platting requirement.

***STREETS:***

Subdivision Regulations require sidewalks on street frontages. Intersection radii of 25 feet and 30 feet is required according to Subdivision Regulations.

***SEWER:***

No comment.

***WATER:***

Water mains exist in the area.

***STORM DRAIN:***

No comment.

***FIRE:***

Building will require fire sprinkler system.

***UTILITIES:***

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing plat for the site.

**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

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the plat waiver for BOA-20194 per staff recommendation.

\* \* \* \* \*

**Z-7029-**(8301)

(PD 18) (CD 7)

6827 South Memorial

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a rezoning to CS.

***Staff provides the following information from TAC at their July 6, 2006 meeting:***

**ZONING:**

TMAPC staff: The plat waiver is for property zoned CS.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

Water mains exist in the area.

**STORM DRAIN:**

No comment.

**FIRE:**

When a portion of a facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official. Exceptions: Buildings equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing plat for the site.

**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

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the plat waiver for Z-7029 per staff recommendation.

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**FINAL PLAT:**

**Stone Creek Farms III – (9425)** (PD 17) (CD 6)

North and west of the northwest corner of East 51<sup>st</sup> Street and 193<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 122 lots in eight blocks on 30.04 acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the final plat for Stone Creek Farms III per staff recommendation.

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**Adesa Tulsa Parking and Storage Facility – (9403)** (PD 17) (CD 6)

Southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 31.17 acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the final plat for Adesa Tulsa Parking and Storage Facility per staff recommendation.

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**South Tulsa Baptist Church Extended- (8327)** (PD 26) (CD 8)

West of southwest corner of East 101<sup>st</sup> Street South and Sheridan Avenue  
(Related to Item 19.)

**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 8.6 acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the final plat for South Tulsa Baptist Church Extended per staff recommendation.

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**MINOR SUBDIVISION PLATS:**

**Church of the Holy Spirit Anglican –**(9420) (PD 17) (CD 6)  
12121 East 41<sup>st</sup> Street (**Request continuance to August 2, 2006**)

**STAFF RECOMMENDATION:**

This item is scheduled to appear before the Board of Adjustment and staff requests a continuance to August 2, 2006.

**INTERESTED PARTIES:**

**Don Hughes**, 3914 South 122<sup>nd</sup> East Avenue, 74146, stated that the subject property abuts his property on 122<sup>nd</sup> Street. He expressed concerns with drainage and a floodplain behind his home. He indicated that he is not opposed to a continuance to August 2, 2006.

**TMAPC COMMENTS:**

Mr. Bernard encouraged Mr. Hughes to discuss this case with staff regarding his concerns.

**TMAPC Action; 6 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes Collins, Harmon, Midget "absent") to **CONTINUE** the minor subdivision plat for Church of the Holy Spirit Anglican to August 2, 2006.

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**Crimson Park –**(2418) (County)

Northwest corner of East 156<sup>th</sup> Street North and 104<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of three lots, one block, on 2.5 acres.

The following issues were discussed July 6, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. Access must be acceptable to Tulsa County.

2. **Streets:** Subdivision Regulations require sidewalks on the street frontages. Delete the word "General" from subheading Section I.A. to read "Public Streets and Utility Easements".
3. **Sewer:** Outside of City of Tulsa Limits. Septic is proposed.
4. **Water:** Outside of City of Tulsa Limits. City of Collinsville will supply water.
5. **Storm Drainage:** County Engineer will need to approve drainage.
6. **Utilities: PSO, Telephone, ONG, Cable:** Okay.
7. **Other: Fire:** Outside of City of Tulsa limits. Fire service must be identified and a release letter received to prove service for the area.

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

**Waivers of Subdivision Regulations:**

1. A request for a waiver to sidewalk requirements is attached.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

Mr. Jackson asked staff how sidewalk details will be addressed in the County when there is an existing plat and additional right-of-way is not required. In response, Mr. Alberty stated that they will have to be reviewed on a case-by-case basis. Rural development with very low density may be an area where an exception is granted. If this were a subdivision for a neighborhood with a number of lots and higher density, then that would not be the case. The County Engineer has reviewed this and he doesn't have a problem with it. This particular property went through the County Board of Adjustment for a variance to permit a lot-split. The CBOA stated that the applicant needed to rezone and plat and that is what the owner is doing. Two of these lots are already developed and this application is more or less complying with the existing situation. Staff can agree to grant the waiver on the sidewalk.

In response to Mr. Jackson, Mr. Alberty stated that the County will not require sidewalks in low density areas where there is County rural-style development.

Mr. Ard asked if the applicant is requesting a waiver until the building permit is requested and provisions for the sidewalks been made by the Tulsa County Engineer. In response, Mr. Alberty stated that the County Engineer has already stated that he is not going to require sidewalks on this application. If the applicant wants to volunteer building sidewalks, that is totally a different issue.

Mr. Ard asked if the sidewalk requirements are not applicable in areas outside of City and County areas. In response, Mr. Alberty stated that they are applicable.

**Applicant’s Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he requested the waiver for sidewalks with the possibility of adding a note on the face of the plat that no sidewalk would be required until building permit and the provision required by the Tulsa County Engineer. Therefore, if this particular lot that is being created with this subdivision plat is not developed for 20 years and perhaps 126<sup>th</sup> Street North is improved, and there is a need for sidewalks, then the County Engineer could make that provision. That was his request and he didn’t want a blanket waiver. Currently there are no sidewalks within ten miles of this location and it is already developed in low density.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the minor subdivision plat for Crimson Park and a request for a waiver to sidewalk requirements as submitted by applicant, subject to special conditions and standard conditions per staff recommendation.

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**LEWIS STUDY PUBLIC HEARING:**

**STAFF RECOMMENDATION:**

Ms. Delise Tomlinson presented the following study to the Planning Commission.

**LEWIS STUDY  
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**Special Study of Appropriate Zoning and Uses  
Of Property Fronting Lewis  
Between Fifteenth Street South and Twenty-First Street South**

PRELIMINARY FINDINGS AND CONCLUSIONS

**Introduction**

In response to Resolution 7320 by the Mayor and the Tulsa City Council on August 29, 2005 and at the direction of the Tulsa Metropolitan Area Planning Commission, (TMAPC), staff has conducted a brief study of properties fronting Lewis Avenue between 15<sup>th</sup> Street South and 21<sup>st</sup> Street South for the purpose of documenting current land uses, identifying opportunities and constraints associated with those uses, and recommending appropriate zoning and future uses.

Over the course of ninety days the following data related to the Study Area was collected: zoning, land use, land ownership, date original structures were constructed, traffic counts and photo surveys. In addition, two maps documenting this data were produced and presented in the fall of 2005 at two meetings with the home owners associations of Lewiston Gardens, Gillette and Yorktown Additions for input and perspective. The predominant sentiment of attendees was to retain the residential character of the study area. Staff also

reviewed the planning approaches for comparable areas within the City of Tulsa for applicability and relative success of stated policies.

Then, at its January 25, 2006 worksession, TMAPC requested staff to review the findings of the Midtown Tulsa Redux Study, which was conducted by The University of Oklahoma Urban Design Studio and completed and made available to the public May 6, 2006. Recommendations of the Redux Study relative to channeling of resources, public notice requirements, restructuring of the development review process and use of impact fees are beyond the immediate scope of the Lewis Study. However, concerns raised in the Redux Study relative to zoning, parking and walkability have likewise been raised through the Lewis Study with possible solutions offered through the mid-range and long-range alternatives and the Design Guidelines provided herein.

### **Findings**

The study area for research purposes has been divided into two areas - the north area, located between East 15<sup>th</sup> Street South and East 17<sup>th</sup> Place (including the southeast corner of Lewis and E. 17<sup>th</sup> Place) ; and the south area, located between East 17<sup>th</sup> Place and East 21<sup>st</sup> Street. Lots within the north area are configured to front Lewis and many of these located north of East 16<sup>th</sup> Street are zoned and used for commercial purposes. Residential structures and lots within the south area are largely configured to front residential streets. Few residential lots/ structures within the entire study area are occupied by the owner(s). Daily traffic counts within the study area per 2005 traffic data, the latest official traffic count, are 16,000-16,600 vehicles. Homeowners associations within the study area are generally opposed to anything but residential zoning, but are somewhat amenable to office uses if assured the area's residential character can be retained.

The findings are more specifically described below:

1. Of the twenty-two residential structures zoned and used for residential purposes (not including the Fountain Square Condominiums) only six are owner occupied per County Assessor's records. Of the five owner occupied structures, only two occur north of East 17<sup>th</sup> Place.
2. Per Tulsa Transportation Management Area traffic data, the daily traffic count in 2003 for the segment of Lewis Avenue between East 15<sup>th</sup> Street South and East 21<sup>st</sup> Street South was 20,200 vehicles.
3. With the exception of corner lots, properties within the study area located north of East 17<sup>th</sup> Place are arranged to have frontage on (and sole access from) Lewis Avenue. Properties located south of East 17<sup>th</sup> Place are arranged to face residential streets with primary access from those streets.
4. Property fronting Lewis Avenue between East 16<sup>th</sup> Street and East 15<sup>th</sup> Street is predominately zoned and used for commercial purposes. Within

this area, five formerly residential structures are occupied by commercial businesses.

5. One lot in the study area has commercial zoning but is still being used for residential purposes. Otherwise, property zoned commercially is currently being used or developed for commercial purposes; property zoned residentially is currently being used for residential purposes.
6. Property owners adjacent to the study area as represented by the HOA's generally object to higher intensity zoning, including Office Light (OL) zoning, for residential properties fronting Lewis Avenue. However, several adjacent property owners said they would be amenable to office uses if assured the residential character of the study area would be retained.
7. Upon review of comparable areas within Tulsa and the special studies/districts related thereto, staff found some applicability for treatment of development and redevelopment within the study area. Comparable areas included the Eleventh Street Corridor, Cherry Street and Brookside.

### **Conclusions**

Based upon the findings, staff has the following conclusions:

1. Existing and planned commercial uses within the study area and traffic on Lewis Avenue are affecting the long-term viability of residential uses within the study area, particularly those properties north of East 17<sup>th</sup> Place.
2. Additional commercial zoning, as opposed to office zoning, within the study area would be inappropriate. Existing commercial zoning and uses are located within or proximate to commercial nodes and/or an activity center. Additional commercial zoning would be strip or spot zoning and would be incompatible with surrounding residential uses.
3. Properties within the study area whose primary access and frontage is on a residential street (mainly those located south of East 17<sup>th</sup> Place) should remain residential so as not to adversely impact adjacent residential.
4. With proper controls – through design guidelines, PUDs, a comprehensive plan special district, special zoning and reconsideration of parking requirements for certain office uses – office use may be an appropriate alternative use for residential properties (having primary access on Lewis Avenue) located north of East 17<sup>th</sup> Place.
5. For appropriate properties, use/ reuse of existing residential structures for office use would help retain the residential character of the study area and ensure compatibility with adjacent residential neighborhoods.
6. Effectiveness of adopted planning policies – which include encouragement of Planned Unit Developments and enforcement of design guidelines - for the Eleventh Street Corridor, Cherry Street and Brookside areas, is hampered by the fact that use of the Planned Unit Developments is optional. This is further compounded if a site already has the zoning necessary for proposed development.

## DRAFT DESIGN GUIDELINES

### **For Properties Fronting Lewis Avenue Between East 15<sup>th</sup> Street South and East 17<sup>th</sup> Place:**

1. As much as possible, existing residential structures and attached garages facing Lewis Avenue shall be utilized. If a new structure is required it must be compatible in architectural period and style with those in the vicinity and as documented in the photo survey. No solid-wall fronts shall be permitted.
2. Structures will be limited to two stories in height.
3. To reduce pedestrian and vehicular conflicts, no additional curb cuts will be permitted onto Lewis Avenue; use of shared access drives is encouraged.
4. Parking and boundaries in common with residential uses must be screened by a masonry wall, a fence with masonry supports, landscaping or a combination thereof.
5. To retain the residential character and pedestrian-scale of the area, parking must be located to the side and/or rear of buildings.
6. A minimum of 15% landscaping of the net lot area, including landscaping of the street yard, is required. Landscaping shall meet the requirements of the Landscape Chapter of the zoning code.
7. To retain the residential character and pedestrian-scale of the area, signage shall be limited to one ground or wall sign not to exceed 32 square feet of display surface area. The ground sign may not exceed four feet in height.
8. Site lighting shall be limited to that which is decorative and residential in style and function. Light must be directed downward and away from adjacent residential and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.
9. No outdoor storage of trash is permitted except that which is typical of single-family residential and must be screened from view of persons standing at ground level.
10. Pedestrian circulation system plan shall be submitted.

## ALTERNATIVES

Based upon these conclusions, staff initially identified four alternative approaches to addressing land use within the study area and presented them at the October 17, 2005 Neighborhood Input meeting and at the November 16, 2005

worksession of the TMAPC. These approaches have since been categorized, with exception of Alternative One, (Do Nothing), into short-range, mid-range and long-range solutions.

1. Do nothing; continue with TMAPC and BOA action on a case-by-case basis.

### **Short-range**

2. Adopt the Lewis Study; permit RS and RT and, by application only, permit OL if accompanied by a PUD that adheres to the Design Guidelines adopted as part of the Lewis Study. Zoning with a higher intensity than OL is not recommended. Office Light (OL) zoning should be restricted to properties adjacent to Lewis Avenue between East 15<sup>th</sup> Street South and East 17<sup>th</sup> Place South, including the northernmost two lots on the Southeast corner of Lewis Avenue and East 17<sup>th</sup> Place.

### **Mid-range**

3. Amend the Comprehensive Plan by establishing a new Special District to include properties adjacent to Lewis Avenue between East 15<sup>th</sup> Street South and East 17<sup>th</sup> Place South. General policies should include:
  - Development and redevelopment in this area should be through PUDs and should be in compliance with Design Guidelines as established in the Lewis Study (see above).
  - Zoning of higher intensity than OL should not be allowed in this area.
  - Development and redevelopment should be compatible with adjacent residential uses.
  - Reuse of existing structures is encouraged.
  - Shared parking is encouraged, including shared parking of uses with staggered times of peak loads.
  - Redevelopment, triggered by building permit or occupancy permit for uses other than single-family residential, should be permitted only if it can conform to the design guidelines contained in the Lewis Study.
  - Development and redevelopment should include adequate screening and buffering to avoid negative impacts on adjacent residential areas.
  - Development and redevelopment in this area should maintain the pedestrian orientation, with human-scale signage, sidewalks and other pedestrian amenities.
  - Access to lots in this area should be restricted to Lewis Avenue, unless a corner lot on E. 16<sup>th</sup> Street and on East 17<sup>th</sup> Street is

across the residential street from a nonresidential use. With exception of these corner lots, access from residential streets should not be permitted.

- Those properties located within a Historic Preservation (HP) District must comply with the standards and procedures of that district and should comply with the policies of the special district and related Design Guidelines.
  - Variances or amendments to lot width requirements of the Zoning Code should be discouraged to avoid a fragmented and incremental approach to development.
  - Sidewalks along Lewis Avenue must be provided, preserved and maintained.
  - All development and redevelopment should follow the guidelines of the Infill Development Study.
4. Update the Zoning Code to recognize differences in parking needs among types of office uses such that less intense office uses that are more appropriate for infill development have less intense parking requirements.

#### Long-range

5. Amend the Zoning Code to create a new zoning category that requires development and redevelopment be done through PUDS and conform to established Design Guidelines.
6. Adopt appropriate special studies as part of the Zoning Ordinance, rather than only as part of the Comprehensive Plan.

#### RECOMMENDATIONS

Based on the findings, conclusions and identified alternatives of this study and to address immediate concerns brought by recent zoning requests, staff recommends that TMAPC adopt the Lewis Study and related Design Guidelines. This should be followed as quickly as possible by an amendment to the Comprehensive Plan which establishes a special district through which the suggested policies and Design Guidelines be applied to development and redevelopment. In addition, staff encourages TMAPC to consider amending the zoning code to create a new zoning category that would mandate development and redevelopment through PUDs and adherence to the design guidelines of the special district. Staff also encourages TMAPC to consider amending the zoning code to provide less intense parking requirements for certain light office uses. ~~Because these actions require additional study, a temporary (eight month) moratorium could be imposed for the purpose of~~ These actions require additional study for the purpose of researching and developing a new zoning designation

and parking requirements, and for determining the specific areas, conditions or districts to which the new zoning could apply.

**TMAPC COMMENTS:**

Mr. Bernard announced that he received a letter from Councilor Maria Barnes. Mr. Bernard requested Ms. Tomlinson to give the history of how this all started and who was involved in it, what staff participation and citizen participation was involved.

Ms. Tomlinson stated that this was initiated when there was a zoning request back in April 2005. The applicant requested an OL zoning within the study area. The request was denied because the Planning Commission felt at that time the OL zoning would be inappropriate; however, it was recognized by both the Council and the Planning Commission that this wouldn't be the end of it and more requests would be coming up. The area is transitional. The properties on 16<sup>th</sup> Street and north are already commercial and several of the properties along Lewis are not owner-occupied. It was anticipated that there would be change in the subject area and City Council requested the Planning Commission to do a study to address this issue. Staff started collecting data in September and conducted two meetings with the homeowners at Barnard Elementary. One of the things that became very clear was that the homeowners were not interested in OL zoning. Secondly, staff did hear from some of the property owners and adjacent property owners that they would be amenable to office uses if they remained compatible with the adjacent residential. Staff attempted to address that by restricting how that might be done. After these two meetings a report was brought to a worksession and it was requested that it be continued to allow Urban Design Studio, which is part of the OU Graduate College, to conduct a student project for Midtown. The Planning Commission wanted feedback through this study to possibly incorporate some of the feedback into the Lewis Study. After the OU students' presentation it was determined that many of the recommendations were similar in character and nature to what staff was proposing. Some of the suggestions were beyond staff's ability to actually embrace and enforce, such as burying utilities, but it is impossible for the Planning Commission to mandate that. After the May worksession it was set for public hearing, which is today.

Mr. Ard asked staff to clarify the access points for the subject area. In response, Ms. Tomlinson stated that the preference would be for no access to the offices from residential streets. Ms. Tomlinson clarified which properties fronting Lewis have access into the neighborhoods. She clarified that if the properties had access to Lewis it would be preferable that these properties be restricted to access onto Lewis and not through the residential streets. There are only two properties that could be considered to have access onto a residential street, which are southeast corner of 16<sup>th</sup> and Lewis and northwest corner of Lewis and 17<sup>th</sup>.

Mr. Ard asked if the study would be better suited to go into the Comprehensive Plan rather than the zoning ordinance. Ms. Tomlinson stated that there are plans to update the Comprehensive Plan and it will not be a quick process. Once the Comprehensive Plan is completed the Zoning Code will change and this is a stop-gap solution until that is completed. The Lewis Study would be a short-term solution in order to process any applications that may come in for the subject area.

Mr. Ard asked staff about the possible eight-month moratorium that is suggested in the Lewis Study if it is adopted. In response, Ms. Matthews stated the moratorium would be for any future non-residential zoning in the Lewis Corridor. Mr. Ard asked what the point of a moratorium would be if the Lewis Study is adopted. In response, Ms. Matthews stated that there isn't anything in place at this time that has the force of law and if the Lewis Study is adopted and sent on to the City for adoption then a moratorium would have to be declared in order to get things in place.

Mr. Ard asked what the point of the moratorium would be if the City Council adopts the Lewis Study completely. Ms. Matthews stated that there wouldn't be anything in place that says that states no more non-residential zoning and the study states that it may have non-residential zoning.

Mr. Boulden stated that a moratorium has to be done by ordinance and adoption of this study as part of the Comprehensive Plan wouldn't have the force of law, so there would be no moratorium. He explained that this would restrict private property rights and the Planning Commission doesn't want to impose a moratorium casually.

Mr. Alberty stated that if the Planning Commission adopts the study the way it is proposed, then staff could proceed without a moratorium. The moratorium would have been an additional option that would freeze everything the way it is today. This would be used only if the City Council and the Planning Commission stated that they wanted to immediately start the long range portion of the study to amend the Zoning Ordinance and amend the Comprehensive Plan before anything else is done. Staff's position is that they feel very confident that if the study was adopted they could proceed and at some point in the future these additional items could be addressed. However, if the Planning Commission would like the staff to immediately embark upon amending the Zoning Code and the Comprehensive Plan, then the moratorium is simply a suggestion. The suggestion came from the neighborhood and that is why it was placed in there for the Planning Commission's consideration. Staff can do the study as presented without the moratorium.

Mr. Bernard asked Mr. Alberty to clarify the origin of the moratorium. In response, Mr. Alberty stated that it is his understanding that the idea of the moratorium came from the neighborhood. It is something that has been added to

our recommendation. Staff feels confident that if the study is adopted the way it is presented, then staff could process the applications that are in queue right now according to the short-range recommendations.

Mr. Jackson asked if there were two applications waiting to be heard regarding the subject area. In response, Mr. Alberty stated that there is one application that has been appealed and it is pending this adoption of the plan by the City Council before processing. There is another application for residential multifamily that has been continued and not heard by the Planning Commission.

Mr. Jackson stated that if the Planning Commission adopts this study then it is transmitted to the City Council for final adoption and these two cases will be still waiting on that approval. The Planning Commission is a recommending body and it has the authority to base its recommendation on the approved study, but that would be pending the City Council's action. The best scenario would be to wait for City Council's action on the Lewis Study.

Mr. Jackson asked if the staff had input or participation from the neighborhood. In response, Mr. Alberty stated that there have been neighborhood meetings, phone calls and they have been a part of this process from the very beginning. They have provided input at each and every level. Staff received input today prior to the meeting. Mr. Jackson stated that he didn't want the neighborhood to accuse the Planning Commission or staff of not allowing them to participate.

Mr. Ard asked staff if the moratorium was in place, staff could have a special district and a new zoning guideline put together within that eight-month timeframe. In response, Mr. Alberty stated that it is technically possible; however, based on recent developments, there is absolutely no telling on how long it would take. If interested parties continued to request continuances and continue to request additional meetings, it could be strung out over one year.

Mr. Wofford asked what the study states about the properties and zoning located south of 17<sup>th</sup> Street to 21<sup>st</sup> Street. In response, Ms. Tomlinson stated that it would be helpful to look at the photograph survey map. Properties located on the east side of Lewis between East 15<sup>th</sup> Street to East 17<sup>th</sup> Place, including the northern two lots of the block, and on the west side would be properties that are north of East 17<sup>th</sup> Street up to East 15<sup>th</sup> Street. The property on the southwest corner of East 17<sup>th</sup> Place and Lewis would not be included, which fronts a residential street and doesn't have access onto Lewis. Mr. Wofford asked if light office would be appropriate south of 17<sup>th</sup> Place. Ms. Tomlinson stated that she is suggesting that light office shouldn't be allowed south of East 17<sup>th</sup> Place on the west side of Lewis, but would be appropriate for the two lots on the east side of Lewis. This was an addition based on some comments received from some of the other property owners within the subject area, which is different than what was proposed in May 2006.

Mr. Wofford asked if light office use based on what staff considered to be the economics of the subject area and the demand for office space along Lewis. In response, Ms. Tomlinson stated that a market study was not done, but the requests that have been submitted have been for office uses. Obviously some light office uses would not be appropriate and some would, depending on the specific type of office use.

Mr. Wofford asked if there was any consideration given to one-story offices or was it determined that economically that would be something that wouldn't be feasible. In response, Ms. Tomlinson stated that when talking about use of existing structures several of them are two-story. If an applicant was actually removing a building, then it could be stipulated that the new building not exceed one story, but two stories would be permitted because the existing structure was two stories.

**INTERESTED PARTIES:**

**Carol Lambert**, 2508 East 17<sup>th</sup> Street, 74104, stated that she would like to thank the staff and Planning Commission for the time they have spent on this study. She thanked Delise Tomlinson for the thoroughness that she has done for this study. Ms. Lambert stated that she is against OL zoning and has been from the very beginning. Staff agreed with that in April 2005 and after this application the neighborhood requested a study because the neighborhood knew that this should be looked at very carefully. She wanted options to keep her neighborhood viable and her choice would have been totally single-family residential, but she wanted to look at options. She indicated that she supports the intent of the Lewis Study and in agreement that it remain the residential character, pedestrian scale and comply with the historic guidelines. However, she believes that it should be achieved in a different manner.

Ms. Lambert acknowledged that the Zoning Codes are being changed and the Comprehensive Plan is being reviewed and changed. She would like her district to be established as a special district and to be able to do this. The recommendations would be to appoint a panel consisting of neighborhood representatives, TMAPC staff and other partners similar to what was done with the Midtown Redux Study with everyone meeting together to put together the guidelines so that they are all in place with a specific date to move forward with a consensus of all of these bodies and saving time with the extra meetings that would happen by having to come to the Planning Commission to talk about it.

**TMAPC COMMENTS:**

Ms. Bayles stated that she understands that there were two public meetings and numerous phone calls. Ms. Bayles asked Ms. Lambert if, from the standpoint of a public participatory process, was that satisfactory for the neighborhood associations that are represented. In response, Ms. Lambert answered negatively.

Mr. Bernard asked Ms. Lambert what she would define as satisfactory. Mr. Bernard read the letter from Ms. Lambert regarding this issue.

In response, Ms. Lambert stated that this is the first time that there has been any public discussion of the Lewis study. Ms. Lambert continued to state that the others have been the work sessions that the Planning Commission graciously allowed her to speak when she attended, but that was really not a public discussion of the Lewis study. This is the only public discussion where there is discussion back and forth. Ms. Lambert indicated that the neighborhood did make comments when Delise Tomlinson presented at the meetings and sent her emails and letters. However, the document itself was the creation that she put together and this is the first public discussion of the entire Lewis study.

Mr. Bernard stated that the Planning Commission worksessions are public and interested parties were allowed to speak to voice their opinions and concerns. There were questions asked and dialogue to help facilitate these concerns.

Ms. Lambert stated that she agrees with that, but her understanding, having talked with everyone, is that the Planning Commission graciously allowed the neighborhood to speak but that is not necessarily required. She commented that Councilor Baker was with her and he was the one who spearheaded the attendance of the worksessions. Ms. Lambert indicated that she is not saying that the Planning Commission didn't listen to her, but she is simply saying this is the first public presentation where everyone is allowed to speak and talk about the Lewis study itself.

Mr. Bernard asked Ms. Lambert what she would like to see happen to get to this point with respect to her association's involvement. Mr. Bernard clarified his question that in addition to what has already been done regarding meetings, etc.

Ms. Lambert stated that she believes that it is a matter of having different conclusions.

Mr. Bernard stated that he understands that they disagree with their conclusions, but his concern is that there has been a lot of talk about the fact that there is a lack of citizen involvement, and staff and the Planning Commission are wanting citizen's to get involved as much as possible in the process. Mr. Bernard asked Ms. Lambert what her definition of citizen involvement is; is it the fact that the citizens and the Planning Commission come to an agreement that everybody is happy with, or is it the fact that we don't come to an agreement and the neighborhood disagrees with the Planning Commission that they didn't have enough involvement or are more meetings necessary and how many more meetings are needed? How many meetings realistically does the neighborhood feel need to be involved in order to voice concerns or make sure that everyone understands what is going on?

Ms. Lambert stated that from the standpoint of the Lewis study and the way it was set up, she believes that the involvement of the community prior to setting those meetings to determine how the study was going to be conducted would have been helpful. Input coming from the neighborhoods might have saved some time. Talking should happen first to establish how one wants to move forward and if everyone can agree upon the way to do so. The OU Urban Design Studio is proposing a way to educate the neighborhoods and a way to have everyone well informed so that there is a steady process that everyone can use. Education at the beginning is necessary in order to help everyone to communicate better.

Mr. Bernard stated that his questions are serious because infill will be a huge percentage of what comes before the Planning Commission. The central area of the city basically has run out of space for developing new homes and businesses. In order for things to develop and grow, it will require infill and the Planning Commission and staff need to hear neighborhoods' conversations to come to some sort of consensus of what is sensible.

Ms. Lambert agreed that not everyone will agree on these types of studies, but if in the beginning everyone sits down at the same table to discuss these issues, there may some type of consensus come from it. Ms. Lambert requested better preplanning and education prior to public hearings.

Mr. Ard stated that it sounds as if Ms. Lambert is in agreement with the overall study, but specifically it she would prefer that it be put to use differently. He understands that Ms. Lambert doesn't want any OL zoning; however, she understands that the use for the properties would be some sort of office (even under her plan). In response, Ms. Lambert stated perhaps or it could be residential or residential townhouse. Mr. Ard stated that residential is really not working there at this time. Mr. Ard stated that office or other uses could be along Lewis as long as the property maintained its compatibility with the neighborhood.

Ms. Lambert stated that her understanding was that it would involve use as well as maintaining that compatible look. There would be some restrictions on usage or predetermined uses, such as similar ones that are outlined as home occupations and that is certainly up for discussion with some variances there. It would involve both use and structure.

Mr. Ard stated that it is apparent that Ms. Lambert doesn't like PUDs. In response, Ms. Lambert stated that she doesn't know too many people who do like PUDs from the development standpoint or from the standpoint of the neighborhoods. Ms. Lambert stated that enforcement is a big issue from the standpoint of PUDs and it seems to be more appropriate for a large development and not small lots.

Mr. Ard asked Ms. Lambert how many members belong to the Lewiston Gardens in the HOA. In response, Ms. Lambert stated that there 440 homes. Mr. Ard asked Ms. Lambert how often the HOA meets. In response, Ms. Lambert stated that they meet approximately four times a year. Mr. Ard asked what type of participation they get. Ms. Lambert stated that approximately 80 come to their picnic and approximately 20 to 30 attend their meetings. Mr. Ard asked if it is just the Board of Directors who meet or if they have a regularly-scheduled board meeting. In response, Ms. Lambert stated that they hold meetings when necessary. Mr. Ard asked if the Lewiston Gardens Board reviewed the letter that she submitted and brought it forward as a group. Ms. Lambert indicated that her letter comes from everyone as a group (Exhibit A-3).

**INTERESTED PARTIES:**

**Karen Smith**, 2502 East 19<sup>th</sup> Street, 74104, Lewiston Gardens, stated that the summary response on page 4, VI/last sentence, 1<sup>st</sup> paragraph has a an error and she would like to correct it to read : "OL allowed by exception."

Ms. Smith stated that when the study was requested by Lewiston Gardens, she thought they would be invited to sit down at the table to work on this. She further stated that she thought the applicant would also be a part of this study to see where everyone could begin with the same types of concerns. She commented that she didn't expect that it would be the two meetings and then addressing this. The response from the neighborhood was for the 5/24/06 version, and then over the weekend she realized that there was another amended version on 7/19/06, which added those two properties south of 17<sup>th</sup> Place. This is where the problems come in, where they can't sit down and talk with the staff applicants face to face.

Ms. Smith stated that the HOA thought they were trying to accommodate an office-type of use, but she does not want the underlying OL zoning classification. She expected by now that there would be a new creative kind of zoning classification with the Lewis study. She commented that she isn't trying to procrastinate, but she thought everyone would be on the same page today. Ms. Smith read her response to the Lewis study (Exhibit A-3). Ms. Smith pointed out where she agrees with the Lewis study and where she disagrees with it.

Ms. Smith reminded the Planning Commission that the neighborhood requested the study and she requested the Planning Commission to endorse the intent of the study with Carol Lambert's recommendations. She further requested that if the Zoning Code amendments pass for Chapters 2 and 4, then the Lewis study area be excluded. Ms. Smith requested more time to review the study and she requested the Planning Commission to appoint a panel to come up with something similar to the Urban Design study or New Urbanism.

**TMAPC COMMENTS:**

Mr. Jackson asked Ms. Smith what the actual parcel owners of the lots facing Lewis have to say about the study. In response, Ms. Smith stated that apparently staff has had input from them.

Mr. Jackson asked Ms. Smith if they had not been included in the Lewiston Gardens group. In response, Ms. Smith stated that the property owner of 1601 South Lewis is the one who wants office use. The property next to 1601 is owned by a bank and it appears they are trying to rent the property. The third property is a rental property, but she is not sure. The fourth property that abuts the condominiums is under application and has not been heard at this time due to the moratorium. Ms. Smith stated that she understands that Ms. Hearon only wants to fix up her front yard and fix the garage apartment in the back. Ms. Smith further stated that it appeared to her that that Ms. Hearon didn't need the RM-1 zoning, but to apply for a special exception with the Board of Adjustment. She indicated that the neighborhood doesn't object to RS, RT and she is concerned about RM.

Mr. Jackson stated that he is not asking what Ms. Smith is concerned with; he simply wants to know if the people who actually own the properties along Lewis Avenue are in agreement with what she is stating. In response, Ms. Smith stated that the Lewiston Gardens HOA doesn't have contact with those owners. She further stated that the Lewiston Gardens HOA does have contact with the property that abuts the condominiums, which is owned by Ms. Hearon.

Mr. Jackson stated that there are more than four people involved in this study. He further stated that he is asking about properties from 16<sup>th</sup> to 21<sup>st</sup>. What are these property owners saying about the proposed study? In response, Ms. Smith stated that she doesn't know what they are saying about the study.

Mr. Jackson asked Ms. Smith if the Lewiston Gardens HOA conducted a straw poll to see how everyone felt about the study. In response, Ms. Smith stated that she didn't because she doesn't know about Delise's reference to people who said that they wanted to have office and she doesn't know who these people are. Ms. Smith further stated that perhaps staff has that information and perhaps if she had access to that, she could look at it.

Mr. Jackson asked Ms. Smith why she doesn't believe that PUDs work. In response, Ms. Smith stated that she has received feedback from TMAPC staff and others that the enforcement of the PUDs are difficult once the guidelines are put in place. They are not necessarily enforced and that there is not staff to do that in the City of Tulsa. Ms. Smith further stated that Ms. Lambert pointed out earlier that there could be a variety of different PUD styles. PUDs are used for all sorts of things. The idea of the PUD (from the east coast) was to have a multi-use development and the PUD would cover that. In Tulsa, the PUD has been used for different reasons (for example Mr. Norman used the PUD for the

condominiums east of Utica Square for height). The PUD application is used for different reasons other than what they were originally intended for.

Mr. Jackson stated that the Planning Commission prefers PUDs because they can place restraints on them that are not possible with straight zoning. Ms. Smith agreed and stated that she appreciates that. Mr. Jackson stated that the PUD will help more than hurt the subject area. Ms. Smith continued to request a special district with guidelines, which would address floodplain problems, etc. that are not addressed with PUDs.

Mr. Jackson informed Ms. Smith that floodplain issues are handled by Stormwater Management and not a part of a special district plan or a PUD. In response, Ms. Smith stated that she understands that, but it is a fact that there are flooding problems.

Mr. Jackson stated that he basically wanted to know if the actual property owners along Lewis were in agreement with the HOA. He further stated that he doesn't favor moratoriums and he doesn't agree with holding land owners hostage until someone makes up their mind. Mr. Jackson explained that the Planning Commission would address all of this and he appreciates Ms. Smith's time and effort in the process.

Ms. Bayles complimented Ms. Smith for her knowledge and participation. Ms. Bayles stated that the similar situation for Lewiston Gardens is happening throughout Midtown. She commented that OL has typically and traditionally identified as a transitional buffer between lower and higher land uses and everyone should go back and revisit it and seek solutions. Ms. Bayles believes that a PUD would be overkill at this point.

Ms. Smith stated that OL is used as precedent and it is unfortunate that it happens.

**INTERESTED PARTIES:**

**Susan McKee**, 1616 South Victor, 74104, President of the Coalition of Historic Neighborhoods, stated that she supports the Lewiston Gardens with their efforts and their response to the Lewis study. She commented that the Lewis study doesn't solve the problem. Original zoning codes and ideas that go beyond the existing ones are what are needed for the subject area. She requested the Planning Commission to deny the Lewis Study.

**James Connor**, 3855 South 99<sup>th</sup> East Avenue, 74146, stated that he owns property at 1741, which is the second house south of 17<sup>th</sup> Place on the east side. He explained that he has had the property for sale for two years and no one interested. The property is not viable for residential property and some light office use should be considered for the subject area.

**INAUDIBLE.**

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Connor what the drawbacks are regarding his property on Lewis. In response, Mr. Connor stated that the requirement to have access on Lewis is prohibited as far as a sale standpoint, plus the noise and traffic. Several attorneys and CPAs have contacted him to purchase for an office, but he has had no offers for purchase as a residential home.

In response to Mr. Ard, Mr. Connor stated that he doesn't live in the home. His mother owned the home and he moved her out of the home due to her age. He indicated that his mother prefers that the house not be rented, but sold instead.

Mr. Bernard asked Mr. Connor if he was in favor of the plan. In response, Mr. Connor answered affirmatively.

**INTERESTED PARTIES:**

**Renee McCollough**, 1733 South Lewis Avenue, 74104, stated that she is in favor of the proposal. She explained that the City purchased the two lots directly behind her and Mr. Connor, which sit empty at this time. She explained that her home and Mr. Connor's property are separated from the neighborhood by these empty lots. The lots can't be developed due to flooding.

Ms. McCollough commented that living on Lewis is quite different from living farther back into the neighborhood. She has to deal with the traffic, noise, etc. She indicated that light office use would improve the subject area because the properties would be owned by someone who will take interest in the property and improve them. She commented that many of the properties along Lewis are deteriorating because they are rentals or no one is living in the homes. Ms. McCollough indicated that she is in support of the Lewis study and it would improve the area. She was pleased that her property and Mr. Connor's property was added to the study.

**Mark Radzinski**, 1552 South Yorktown, 74104, stated that the Yorktown Neighborhood Association supports Lewiston Gardens. He doesn't believe the Lewis study really changes anything. He commented that he is not really against PUDs but he is skeptical of them because in the past they have been used to the advantage of some people. Mr. Radzinski suggested a residential PUD be invented to have the requirements fit the use in order to save the residential structure. The major flaw in this study is that it should not be here eight or nine months after starting this sparring point-by-point. Mr. Radzinski stated that the staff did a good job on this, but it is flawed because it was basically a data collection effort. Mr. Radzinski proceeded to explain how a study should be conducted. Mr. Radzinski commented that he is not against anyone using the properties for anything other than residential, but he would like to preserve what is there (keep the houses looking residential and not commercial).

Mr. Bernard asked Mr. Radzinski if he would not object to anything in the Lewis study as long as the house keeps it looks of residential or rebuilt to look like a home. In response, Mr. Radzinski stated that he wouldn't have problem with that scenario. Mr. Radzinski stated that he doesn't have problem with the residential properties being used for other uses. He explained that his wife is an artist, who works at home and it isn't obvious by driving by his home. He doesn't have clients coming by shopping at his home and it looks like a residence. This can be done along Lewis as well. He fears that allowing OL with a PUD would allow someone to tear down the house and build an office building.

**TMAPC COMMENTS:**

Mr. Jackson stated that the Planning Commission can't make anyone keep what is presently on the subject property. However, the Planning Commission can use terms to describe the residential look and would compliment the homes in the subject area. Neither the Planning Commission nor the homeowner's association has the ability to force someone to keep 1733 South Lewis Avenue as it is. Mr. Jackson pointed out that Mr. Radzinski doesn't want another Office Depot, but there was a Bud's IGA there before and it wasn't designed like a house. It was a box store of the 1950's. In response, Mr. Radzinski stated that the 1950's put it closer to 1930 than 2006 does. Mr. Radzinski stated that he is interested in the way it looks and there are some good houses along the street that can be used for other uses without having to tear them down. Mr. Jackson stated that it should be the owner's situation and not the neighborhood's as long as it is built back to the rules and regulations per the guidelines. Mr. Jackson further stated that he doesn't believe it is fair for anyone to say that a house can't be torn down and rebuilt, especially if they do not own it, pay for it or take depreciation for it. This is other people's property and they have more of a stakehold than the neighbors.

Ms. Bayles thanked Mr. Radzinski for his participation.

**INTERESTED PARTIES:**

**Margaret Aycock**, 1601 South Lewis, 74104, stated that she is the one who started the controversy. She commented that she and her husband want basically the same thing as the neighborhood. She lives in the subject area and she wants it to also look historically correct. Ms. Aycock stated that she is a member of the Commission for Historic Neighborhoods and she wants to live in the house and look like it does today. She believes she is on the same page as the rest of the neighborhood, but she would like it to happen sooner.

Ms. Aycock stated that she has waited a long time and a moratorium was placed in the neighborhood. She disagrees with the neighborhood regarding the time required for this issue. There has been plenty of time to talk about this and it is a two-way street, as Ms. Bayles pointed out. If one doesn't feel like he/she is being heard, then they can arrange a meeting. Ms. Aycock indicated that she attended

all of the meetings that Ms. Tomlinson held and she believes that there has been plenty of time to have input.

Ms. Aycock indicated that PUDs require a lot of time and are expensive, and the average person needs help implementing a PUD, which costs money. She is in favor of allowing the two properties that already have access onto the side streets to continue with that access. A special district is needed for the subject area in order to hold onto the historic buildings as much as possible. She hopes a moratorium will not be implemented with the Lewis study because she has already been waiting for over a year and she doesn't intend to change her house, but she would like to office out of her home.

Mr. Boulden stated that there have been two people mention that there was a moratorium and there has not been one in place. If there was one in place, then it would not have been a legal moratorium. Ms. Aycock stated that legal or not, there was one called for by the City Council and the Planning Commission respected it.

Mr. Boulden stated that the City Council has not imposed a moratorium by ordinance. Ms. Aycock reiterated that whether it was legal or not they would not allow any zoning cases be filed until the Lewis study and Redux Study were completed. She commented that whether it was done legally or not she abided by their decision.

Mr. Boulden stated that he is not stating that it is illegal, but it is not an enforceable moratorium by law. Ms. Aycock stated she abided by the moratorium and thought it was a good idea to be on the same page with the neighborhood if possible. She thought the Midtown Redux Study was a great way to accomplish that and be a part of it. Mr. Boulden stated that it is ok to go along with the moratorium request, but it is not legally enforceable.

**Joan Crager**, 1620 South Lewis, 74104, northwest corner of 17<sup>th</sup> and South Lewis, stated she has lived at 1620 South Lewis for 20 years. She is the only person who occupies her home and she has had a home-based business with a legal exception from the Board of Adjustment for all of those 23 years. Ms. Crager stated that she also owns 1610 and 1612 South Lewis and this property has been a duplex from the day it was built. She can never go back to it being single-family residential because it is a duplex and that is the way it was built.

Ms. Crager stated that she was present over one year ago when staff recommended that the zoning be changed. That is when she understood that there was a moratorium in place. There have been two applicants on hold because of the moratorium. She indicated that she has attended every meeting that Delise held and accidentally attended the Redux meetings at OU, not realizing that she wasn't supposed to. She was amazed at how it came together and Delise and the students at OU are to be commended.

Ms. Crager stated that she is one of the property owners who live on Lewis and she is open to answer any questions. She indicated that as a resident she is tired of the traffic and noise. She would like to sell her properties in the future and not take a loss.

**TMAPC COMMENTS:**

Mr. Ard asked Ms. Crager if she had been sent the Lewiston Gardens response. In response, Ms. Crager stated that she had not seen the response, and one of the interesting things that have happened is that she seems to have been dropped off of everyone's emails. She has not been approached as one of the homeowners along Lewis for any of this. Ms. Crager concluded that she thought everything was ready to move forward after all of the work that had been done.

Mr. Ard asked Ms. Crager if she has seen staff's recommendation versus what Lewiston Gardens is recommending. In response, Ms. Crager stated that she would have to take both documents home and study them. She thought the study that was worked on by everyone would be passed today.

Mr. Ard asked Ms. Crager how she would feel about an eight-month moratorium being put in place while a special district is being determined. In response, Ms. Crager stated that her one concern about this is that this has been going on for over one year and how many years it will take. She questioned if everyone will ever come together. Why do a year-and-half study to be basically right where it was in the beginning? If in six months from now there would be something comprehensive, enlightened and a win-win situation than she would say go for it, but she is skeptical that would happen.

**Staff's Rebuttal:**

Ms. Tomlinson stated that she needs to make one clarification regarding PUDs and staff's approach and opinion of PUDs. The main concern that staff had that related to PUDs was that while they are often recommended through the Comprehensive Plan that new zonings be attached with PUDs, it is not something that the Planning Commission can mandate. If this study is adopted as is, she would recommend that if someone wanted to apply it would be come through as a PUD, but there has never been a comment from staff that PUDs are a bad thing. Ms. Tomlinson concluded that it is a matter of how it is set up to require that the PUD be done.

**TMAPC COMMENTS:**

Mr. Jackson asked Ms. Tomlinson if she is confident in the Lewis study and will be able to move on after hearing today's comments. In response, Ms. Tomlinson answered affirmatively.

Mr. Jackson asked Ms. Tomlinson if, in her opinion, she was open to comments from interested parties throughout this process. In response, Ms. Tomlinson stated that she was open to comments and anytime anyone sent information to her, it was reviewed and put in as much as possible. Ms. Tomlinson further stated that there was a very big difference, which was stated in the study, that it was understood by staff that the homeowners association did not want OL zoning. She indicated that she also received input from property owners along Lewis who wanted OL zoning. Bringing these two sides together is how the design guidelines and the tier approach were suggested.

Mr. Jackson asked Ms. Tomlinson if she knew that there was a vacant area behind the lots that front Lewis off of 17<sup>th</sup> Place on the east side. In response, Ms. Tomlinson stated that the first recommendation that came through to the Planning Commission didn't reflect those lots, but then she had conversations with the property owners on that side and went back to check the circumstances and added the two lots. The two lots meet the other criteria of fronting directly onto Lewis and there was some separation from the neighborhood.

Ms. Bayles asked Ms. Tomlinson how detailed the research was on any other types of Zoning Code categories that currently exist in other communities. In response, Ms. Tomlinson stated that she was provided a lot of information from the HOA and individuals, including Ms. Crager on a variety of zoning districts that other communities had designated. She also reviewed the City of Tulsa Comprehensive Plan and special districts for having something similar within Tulsa. In her understanding, the charge for doing this study was to be brief and her recommendation on dealing with proposing new zoning was to then suggest that it would be a longer-range solution, which would require further research and study. Ms. Bayles asked if the information that was accumulated would be readily available to the Planning Commission now. In response, Ms. Tomlinson stated that much of the information that has been accumulated has been appreciatively received from the HOA.

Mr. Bernard asked if there is a way to structure this study so that the look and the atmosphere of the structures be preserved and continue to look like a house. In response, Ms. Tomlinson stated that this issue has been addressed in the guidelines as a recommendation, so that as much as possible the existing residential structures be retained; however, if they are to be removed the new building would remain residential in character. The photo survey was produced to document the location and style of individual houses along Lewis.

In response to Mr. Bernard, Mr. Boulden stated that if the question is whether or not there is a vehicle in the current zoning ordinances to impose the proposed design guidelines, then the answer would be no, that there are none other than through a PUD.

Mr. Bernard stated that if the Planning Commission were to approve the Lewis study, then it would have to be approved with PUDs and the PUD restrictions would have to be along these guidelines.

Mr. Alberty stated that in his view, the Planning Commission has all of the materials that are needed with the Lewis study if it is adopted. When an application comes in, staff will evaluate it on whatever is approved by the City Council. A PUD gives the Council the clout to restrict whatever development occurs within any zoning district. There has been a lot of discussion today and a lot of statements that the PUDs may or may not provide the type of controls that one may want. If a PUD is approved, then it is by ordinance and the ordinance is further substantiated by the fact that there is a plat with restrictive covenants where the City of Tulsa is a beneficiary of those covenants. He would be the first to say that in the past there has been only compliance with PUDs based on the owners willingness to meet those requirements. However, that is not the case now because there are two enforcement officials who do this full time and there has been an effort by the City to make sure that approved PUD conditions are complied by. Mr. Alberty concluded that this study could be belabored until the end of time and not be able to appease or satisfy everyone who has provided input. There are six members of the Planning Commission present today and he can guarantee that if he polled the Planning Commission individually, there would be different opinions about how this study was conducted and what needs to be done. The staff's charge was one of short-term duration and now it is one and a half years later and people are still debating some of the most fundamental issues that have been discussed and thoroughly debated and out there for determination. He believes it is entirely within the Planning Commission's purview to turn the study down, modify it or to pass it on, but to continue to say there needs to be more debate, and more meetings, and educate the public, on and on infinitely is getting a little tiring.

Mr. Bernard thanked Mr. Alberty for explaining the PUD scenario, because it was his understanding that the PUD really ties the developers' hands. Mr. Bernard referenced a PUD recently that did not comply and was forced to comply.

Mr. Ard stated that this study wouldn't disallow someone removing a home, and if a home is removed, then they could rebuild an office building under the special district guidelines. This study wouldn't guarantee that the house would always stay there. In response, Mr. Bernard stated that he understands that some of the homes may not be structurally sound and may need to be removed and rebuilt. However, the rebuild would still have to look like a home on the exterior.

Ms. Tomlinson stated that the first guidelines of the study states what Mr. Bernard is stating. Ms. Tomlinson read the guideline regarding rebuilding in the subject area.

Mr. Jackson stated that he has listened to the interested parties and he has reviewed staff's proposal. He believes that a lot of time and effort has been placed into it. It appears that the conclusions that the study has drawn aren't what the HOA wanted. Unfortunately, it is impossible to make everyone happy with this issue. The process was fair; the projections and conclusions are fair for everyone, in his opinion. It was interesting that on 17<sup>th</sup> Place South there is a regulatory floodplain behind it and provides more buffering for the neighborhood versus having office use ten feet from the property line, which is reassuring. He thanked the property owners who front Lewis for speaking because the Planning Commission hadn't heard from the actual property owners until today. It seemed that the only people speaking on this issue were people on the outskirts and neighboring HOAs to the subject area. This issue has been labored long enough and there has been input and dialogue. The Planning Commission has the tools from the current zoning pattern to make exceptions and to formulate and design projects to fit the needs of everyone concerned. With Delise's draft guidelines keeping the residential look for single-story office buildings is acceptable to him and is a job well done that should move forward.

Ms. Bayles pointed out what the neighborhood is wanting from the pictures. She would hope that the recommendations that have been offered are able to communicate to both the residents and future developers of this neighborhood. Ms. Bayles requested Mr. Boulden to speak about the possible eight-month moratorium that is mentioned in the recommendation.

Mr. Boulden stated that moratoriums require an ordinance and should be for a short period of time because it is basically stalling or freezing people's property rights. The moratorium should be with specific goals, and once they are achieved, the moratorium can go away. In this case a new zoning district would be developed and then the moratorium would go away once it is implemented.

Ms. Bayles stated that she has a problem with the moratorium as it is defined by ordinance and the length of time.

Mr. Jackson stated that he is not in favor of a moratorium and believes that it should be moved forward on a case-by-case situation until the zoning district is established. No one should be further held hostage because they have already been on hold for over a year.

Mr. Bernard stated that it is time to move on and he doesn't believe there is a need for any more studies to hold this up.

Ms. Bayles stated that she is struggling with the moratorium issue. Eight months is too lengthy to put a potential property owner on hold. She believes that in the past year the Planning Commission should have been sifting through these alternatives that have been recommended. She would like to know the alternatives before the next case comes before the Planning Commission. Ms.

Bayles asked if this is the condition the Planning Commission needs to evaluate in terms of amendment to this study.

Mr. Ard stated that in his view staff has done a great job and he appreciates the detail and work that the neighborhoods have put in. He understands the dilemma of the property owners fronting Lewis, but this looks like an excellent opportunity for the Planning Commission to do something very long-term in the form of creating a new zoning designation. He doesn't want to hold anyone up, but asked if there is any way to create the new designation so that the Planning Commission doesn't have to deal with the clutter of having 16 PUDs coming in front of them in the next five years. He believes that this is a good opportunity to take something that was developed through the Midtown Redux Plan and maybe put it into effect and if this could be done long-term, it would be best for everyone. It may set the stage for many areas in Midtown and all over the City that are facing the same or similar issues.

Mr. Jackson stated that he believes the Planning Commission needs to focus on the Lewis study now. This in an older part of town with 50-foot lots and for someone to come up with something extremely feasible they would have to accumulate two or three lots to get some frontage out of it. The only PUD that would be seen is where there are contiguous homesites next to each other in order to create one PUD. We are putting a lot of energy and extra thought into this and it may never happen on this street because of the need to amass several contiguous properties from three willing property sellers.

In response to Mr. Jackson's comments, Mr. Bernard stated that there would also need a buyer willing to pay the price for several lots to develop. Mr. Bernard further stated that the purchaser would also have to, not only buy the lot but also the houses on top of them with access issues. Mr. Jackson stated that unless the developer had more than 100-foot lot then he couldn't pull in from one side and out the other. Not enough room to pull in and back out and access will be restricted from the neighborhood streets.

Mr. Wofford stated that he agrees with many of the comments that this study has gone on for 15 months and a neighborhood that cares have made comments. There is also a situation where property owners have been put on hold for some period of time. The uncertainty is far worse than any certainty the Planning Commission could produce today. He agrees with Mr. Ard that this is an example of a need for a long-term solution and is also another example of where our Comprehensive Plan is falling short. This is a perfect example of why we need to have a detailed review of the entire City. He doesn't think to spend time on this particular area would provide us with the answers that we need. He agrees that something needs to be developed and it can be pursued no matter how the vote goes today. To delay and have property owners who are either inside the neighborhood or on Lewis be in limbo for another period of time is not

acceptable. The Planning Commission needs to have a vote today to do one thing or the other and move forward.

Ms. Bayles asked staff if the Planning Commission is in the position to have the staff resources to move forward with the approach that Ms. Tomlinson has included in the last sentence without the moratorium and be able to start today. In response, Mr. Alberty stated that to some extent staff is capable of doing this. Mr. Alberty explained that what this is addressing is whether or not he is to devote existing staff who have priority responsibilities. He indicated that the Planning Commission does not have staff people who can be placed on this study full time. This is the reason that he is suggesting that the Planning Commission move forward with the Lewis study as it is presented today and the idea of the eight month moratorium was just thrown out as an option primarily because that is what the neighborhood wanted and he thought it should be discussed. To put another moratorium or recommend a moratorium is beyond the scope of what is needed to be addressed today. Adequate staff is not available, but he takes people who are capable of doing this who have other jobs to do as well. The workload is up considerably and it is considerably more than when the study was conducted. He can't devote a staff member to this 100% of the time.

Mr. Jackson recognized Ms. Lambert.

Ms. Lambert stated that she wanted everyone to have the correct date. This has been going on for a long time, but the Council resolution was dated August 25, 2005. It wasn't until that date that the study began. When this dated back to April, that is when Ms. Aycock applied for a rezoning that was denied, which she appealed before the City Council but later withdrew.

Mr. Jackson stated that he would move to adopt the Lewis study per staff recommendation, subject to striking the moratorium reference, and charge staff to research for a special designation for not only Lewis, but other areas such as Peoria, Cincinnati, 15<sup>th</sup> Street, 11<sup>th</sup> Street and the Pearl district because they will have the same issues.

Mr. Bernard asked if staff and Legal are in agreement that the Planning Commission is trying to direct that, if new structures are to be developed on the subject properties, they have to maintain the architecture that has been described in this meeting today.

Mr. Jackson agreed with Mr. Bernard's statement.

Ms. Bayles asked Mr. Jackson if he would consider that these actions require additional study for the purpose of researching and developing new zoning designations and parking requirements for the specific areas, conditions or

districts to which the new zoning could apply. Mr. Jackson indicated his agreement.

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **4-2-0** (Bayles, Bernard, Jackson, Wofford "aye"; Ard, Cantees "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to recommend **APPROVAL** of the adoption of the Lewis study per staff recommendation, subject to removing the reference to the recommendation for a moratorium, and charging the staff to research for a special designation for Lewis and other areas such as Peoria, Cincinnati, 15<sup>th</sup> Street, 11<sup>th</sup> and the Pearl District because they will have the same issues. (Language with a strike-through has been deleted and language with an underline has been added.)

**TMAPC COMMENTS:**

Mr. Bernard stated that he would like staff, in the near future, to have a worksession to discuss the process of involving citizens in these studies and have written guidelines for the citizens and staff to know what is expected on both sides.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** CZ-375

**AG to CG**

**Applicant:** Jeffrey Levinson

County

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

**STAFF RECOMMENDATION:**

**CBOA-2006 October 2002:** The Board of Adjustment denied a request of a Use Variance to permit a warehouse in an AG district, finding a lack of hardship and that rezoning would better serve the purpose on subject property. Applicant subsequently constructed the existing building for personal use, as is permitted under AG zoning, with the appropriate permits and inspections.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 5± acres in size; the property is vacant (except for a large building on the north of the property that is allowed under the current zoning so long as no business is being conducted from it) and zoned AG. The existing building does not meet setback requirements under the County Zoning Code and has not received final inspection. As such, it is an illegal building at this time.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
E. 151 <sup>st</sup> Street S. (SH 67)*	Primary arterial	120'	2 lanes
South Lewis	Secondary arterial	100'	2 lanes

\*Letter has been received from the Oklahoma Department of Transportation (ODOT) advising that any new or modified access onto this highway required by this action must be approved by ODOT Field Division Engineer.

**UTILITIES:** The subject tract has municipal water, according to the applicant; nearby properties (in Glenpool) are reportedly on a rural water district. Sewer must either be extended or be by septic or an alternate means.

**SURROUNDING AREA:** The subject tract is abutted on the north by what appears to be a farm, residential and related agricultural uses, zoned AG; to the east by vacant and/or agricultural land, zoned AG; to the west by vacant and/or agricultural land, zoned AG, to the south by some large-lot single-family residential uses, zoned AG. The location of this site is somewhat problematic, in that the Glenpool fence line lies to the west across Lewis, the site is within the Bixby fence line but not within its city limits at this time and is therefore within the unincorporated part of Tulsa County. The Glenpool Comprehensive Plan for the area immediately west of Lewis designates the South Lewis/South 151<sup>st</sup> Street intersection in their planning area as a Medium Intensity/Commercial and Office node, surrounded by Low Intensity-Residential land use.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Bixby Comprehensive Plan designates this area as Corridor. According to the Bixby City Planner (conversation of March 9, 2006 and March 13, 2006), commercial development may be allowed in this corridor, but use of a PUD is strongly encouraged. According to the Metropolitan Development Guidelines, this site would qualify as a Type II (10 acre/corner) node, which would permit Medium Intensity uses. The requested CG **may be found** to be in accord with that designation.

**STAFF RECOMMENDATION:** Based on the Bixby and Glenpool Comprehensive Plans, as well as the Metropolitan Development Guidelines, staff can support in concept a commercially-designated zoning. However, the Bixby Plan clearly specifies a preference for a PUD zoning overlay and without that control, staff feels CG intensity is premature at this time. Therefore, staff can recommend **APPROVAL** of CS zoning in the alternative for Development Area A (the southernmost development area) and OL as a buffer on the northernmost Development Area, Area B. Staff also points out that the existing building, which is in Development Area B, cannot meet the OL zoning requirements of one story and the setback requirements. It is highly unlikely that it can meet the accompanying PUD requirements.

**RELATED ITEM:**

**Application No.:** PUD-731

**AG to CG/PUD**

**Applicant:** Jeffrey Levinson

County

**Location:** Northeast corner East 151<sup>st</sup> Street and South Lewis Avenue

**STAFF RECOMMENDATION:**

**CZ-375 March 2006:** A request for rezoning, for the subject property, is pending for TMAPC recommendation to the City Council upon this Planned Unit Development submitted (PUD-731).

**CBOA-2006 October 2002:** The Board of Adjustment denied a request of a Use Variance to permit a warehouse in an AG district, finding a lack of hardship and that rezoning would better serve the purpose on subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.45± acres in size. A 10,000 square foot metal building has been constructed in close proximity to the north and east boundaries of the site. The building does not conform to Tulsa County Zoning Code regulations regarding setbacks and the intended use is not permitted by underlying zoning. Because of these violations, the County Building Inspector has not released a final inspection on the building.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 151 <sup>st</sup> Street South (SH 67)*	Primary arterial	n/a	2 lanes
South Lewis	Secondary arterial	n/a	2 lanes

\*Letter has been received from the Oklahoma Department of Transportation (ODOT) advising that any new or modified access onto this highway required by this action must be approved by ODOT Field Division Engineer.

**UTILITIES:** The subject tract has municipal water, according to the applicant; nearby properties (in Glenpool) are reportedly on a rural water district. Sewer must either be extended or be by septic or an alternate means.

**SURROUNDING AREA:** The subject tract is abutted on the north by a large residential dwelling and accessory uses, zoned AG; to the east by vacant and/or agricultural land, zoned AG; to the west by vacant and/or agricultural land, zoned

AG, to the south by large-lot single-family residential uses, zoned AG. The Glenpool fence line lies to the west across Lewis; however, the site is within the Bixby fence line but not within Bixby city limits and is therefore within the unincorporated part of Tulsa County.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Bixby Comprehensive Plan designates this area as Corridor. According to the Bixby City Planner (conversation of March 9, 2006 and March 13, 2006), commercial development may be allowed in this corridor, but use of a PUD is strongly encouraged and CS would be much preferred over CG for the zoning of the property. (Bixby City Planner's comments are attached.) The Glenpool Comprehensive Plan for the area immediately west of Lewis designates the South Lewis/South 151<sup>st</sup> Street intersection as a Medium Intensity/Commercial and Office node, surrounded by Low Intensity-Residential land use. According to the Metropolitan Development Guidelines, this site would qualify as a Type II (10 acre/corner) node, which would permit Medium Intensity uses. The requested CG **may be found** to be in accord with that designation.

**STAFF RECOMMENDATION:**

Concurrent with PUD 731 is a request for rezoning of the approximate 4.45 acres to CG, Commercial General. Staff is recommending OL zoning for the north 267.59 feet (Development Area B) with the balance being CS (Development Area A) per CZ-375. The tract has approximately 642.75 feet of frontage on South Lewis Avenue and 330.98 feet of frontage on East 151<sup>st</sup> Street South and has a building of approximately 10,000 square feet located close to the northeast boundary. The building does not conform to the Tulsa County Zoning Code nor the recommended standards for PUD 731 as enumerated below.

Although the tract may be found in accord with the Metropolitan Development Guidelines, the surrounding area for several miles out is generally undeveloped or large-lot residential. Furthermore, the proposed uses and the large metal shop building constructed adjacent to the north and east boundaries are not in harmony with the existing and expected development of surrounding areas and would not represent a unified treatment of the development possibilities of the site. Therefore, staff recommends **DENIAL** of PUD 731 as requested.

However, if the site is developed with a substantial office buffer and with standards which mitigate adverse impacts, staff can recommend **APPROVAL** of PUD 731 as modified below subject to OL and CS zoning as recommended by staff per CZ-375 and the following conditions:

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

**Development Area A ( Lot 1 )**

**Land Area (gross):** 132,388 S.F. 3.04 AC

**Permitted Uses:**

The uses permitted by right in a CS District and uses customarily accessory thereto, except Use Units 19, and 19(A).

**Maximum Number of Lots:** One

**Access:**

Access to East 151<sup>st</sup> is permitted in the east half of Area A subject to approval by ODOT, Tulsa County and TMAPC. Access to South Lewis Avenue is permitted subject to approval of ODOT, Tulsa County and TMAPC. Mutual access shall be provided between Development Areas A (Lot 1) and B (Lot 2) and from South Lewis Avenue across Development Area A (Lot 1) to the tract of land adjacent to the east boundary of Development Area A (Lot 1).

**Maximum Floor Area:** 66,194 S.F.

**Maximum Building Height:**

East 100 feet of Area A: One-story not to exceed 25 feet in height  
Remaining area: Not to exceed 40 feet in height

**Building Exterior:**

Building exteriors (facades) must be of masonry, composite or wood construction or some combination thereof. No metal siding is permitted.

**Minimum Building Setbacks:**

From centerline of E. 151<sup>st</sup> St. S.: 110 feet  
From centerline of S. Lewis Ave.: 100 feet  
From the east boundary: 50 feet  
From the north boundary: 10 feet

**Minimum Setback of Parking**

**And Access Drives from East Boundary:** 20 feet

**Off-Street Parking:**

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

**Landscaping and Screening:**

A minimum 15% of the net lot area shall be maintained as landscaped open space. A minimum 20 foot wide landscaped buffer shall be provided

along the east boundary of Area A. A minimum six foot high screening fence shall be required if/when the adjacent property is development as residential.

**Lighting:**

Site lighting, whether pole or building mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from adjacent residential uses. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible from residential uses. Compliance with these standards and with the Tulsa County Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

**Bulk Trash Containers:**

Bulk trash receptacles shall be screened from view of persons standing at ground level and shall be setback a minimum of 20 feet from the east boundary of Area A (Lot 1).

**Signage:**

One ground sign permitted per street frontage, each not to exceed 25 feet in height and 160 feet of display surface area. Wall signs shall be permitted not to exceed two square feet per lineal foot of building wall to which attached; however, no wall signs shall be permitted on east-facing walls.

**Development Area B (Lot 2)**

**Land Area (gross):** 88,574 S.F. 2.03 AC

**Permitted Uses:**

The uses permitted by right in an OL District and uses customarily accessory thereto.

**Maximum Number of Lots:** One

**Access:**

Access to South Lewis Avenue is permitted subject to approval of Tulsa County and TMAPC. Mutual access shall be provided between Development Areas A (Lot 1) and B (Lot 2).

**Maximum Floor Area:** 22,143.5 S.F.

**Maximum Building Height:** One-story, not to exceed 25 feet in height.

**Building Exterior:**

Building exteriors (facades) must be of masonry, composite or wood construction or some combination thereof. No metal siding is permitted.

**Minimum Building Setbacks:**

From centerline of S. Lewis Ave.:	100 feet
From the north boundary:	75 feet
From the east boundary:	50 feet
From the south boundary:	10 feet

**Minimum Setback of Parking And**

**Access Drives from North and East Boundaries:** 20 feet

**Off-Street Parking:**

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

**Landscaping and Screening:**

A minimum 15% of the net lot area shall be maintained as landscaped open space. A minimum 20 foot wide landscaped buffer shall be provided along the north and east boundaries of Area B (Lot 2). A minimum six foot high screening fence shall be required if/when the adjacent property is development as residential.

**Lighting:**

Site lighting, whether pole or building mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from adjacent residential uses. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible from residential uses. Compliance with these standards and with the Tulsa County Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

**Bulk Trash Containers:**

Bulk trash receptacles shall be screened from view of persons standing at ground level and shall be setback a minimum of 20 feet from the east and north boundaries of Area B (Lot 2).

**Signage:**

One ground sign permitted along S. Lewis Avenue not to exceed 25 feet in height and 160 feet of display surface area. Such ground sign shall not be located within 100 feet of the north boundary of Area B (Lot 2) and shall maintain a minimum separation of 100 feet from the ground sign on South Lewis Ave. frontage as permitted in Area A (Lot 1). Wall signs shall be permitted not to exceed two square feet of display surface area per one

foot of building wall to which attached; however, no wall signs shall be permitted on north or east-facing walls.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.
7. A professional engineer registered in the State of Oklahoma shall certify to the appropriate County official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1170.5 of the County 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

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 April 20, 2006:**

**General** – No comments.

**Water** – Outside the City of Tulsa service area.

**Fire** – No comment - out of City of Tulsa.

**Stormwater** – Information for stormwater drainage was not provided.

**Wastewater** – Out of service area; no comment.

**Transportation** – County requirements will apply, in conjunction with Major Street and Highway Plan criteria for primary arterials (151<sup>st</sup> St. S.) and secondary arterials (S. Lewis Ave.).

**Traffic** – A total of 70 ft of R/W will be required for 151 ST per the Major St. Plan (primary arterial w/ Rt. Turn Bay) with a 30ft Intersection radius. Dedicate 50 ft of R/W for Lewis Ave. along Lot 2(secondary arterial). Recommend a Mutual Access Easement and would support an access in the east half of Lot 1 onto 151<sup>st</sup>.

**GIS** – No comment.

**County Engineer** – Right-of-way considerations on 151<sup>st</sup> are to be determined.

**Transit/ Transportation:**

- MSHP: 151<sup>st</sup> Street South designated as primary arterial (ROW=150') and Lewis Ave. designated as secondary arterial. Encourage pedestrian-friendly design of proposed development. Per TMAPC Subdivision Regulations, request sidewalks along 151<sup>st</sup> St. S. and S. Lewis Ave.
- LRTP: 151<sup>st</sup> St. South, between Lewis Ave. and Harvard Ave., existing 4 lanes. South Lewis Ave., between 141<sup>st</sup> St. S. and 151<sup>st</sup> ST. S, existing 2 lanes.
- TMP: No comments.
- Transit: No comments.

**TMAPC COMMENTS:**

Mr. Jackson asked if the auxiliary building is over 10,000 SF. In response, Ms. Matthews stated that it is a very large building, but she doesn't know the exact size.

Mr. Alberty informed the Planning Commission that the subject building has a history and it has been included in the packet. There were numerous stop-work orders issued by the County Inspector. Under the existing format the existing building is not a permitted building, but the owner has consistently continued construction despite the stop-work orders. There may be some type of solution by requiring additional property to make it into compliance, but there has been an outright attitude to continue working without approval through the County Inspector.

Mr. Jackson stated that he doubts the owner would tear the existing building down and the property is not worth that much to tear it down. In response, Mr. Alberty stated that the approval of this PUD does not legalize the existing building. Mr. Alberty concluded that it is a clear intent from our staff to indicate that.

**Applicant's Comments:**

**Jeffrey Levinson**, 9308 South Toledo Avenue, Tulsa, Oklahoma 74136, representing Sitton Properties, LLC, stated that he has submitted a permit for the subject building and he thought it had been permitted. Staff has revised their recommendation and the current recommendation, with a few exceptions, is acceptable to his client. There are two development areas, Area A/Lot 1 and Area B/Lot 2 and he would like to add in Development Area B/Lot 2 a Use Unit 5 for church use only and Use Units 6 and 7, Single-Family Residential and Duplexes.

Mr. Levinson stated that he has met with Mr. Crissup and he is in agreement with the PUD. He indicated that Mr. Crissup's position regarding the existing building, which is permitted for personal use only and not for commercial use, is that it doesn't have to be torn down, but cannot be used for anything other than the current permitted use (personal use only). If the property is ever sold and the existing building wasn't used for personal use it would have to be removed or a major amendment presented before the Planning Commission. The theory is that if the PUD passes, this wouldn't be commensurate with the PUD. Mr. Levinson indicated that the property owner is not willing to tear down the building, but he is willing to limit it to personal use. He further indicated that he is in agreement with Mr. Moody's letter as well.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Levinson if his three issues are that he would like to add Use Units 5, 6 and 7; keep the existing building for personal use only; and he read the additional restrictions from Mr. Moody. In response, Mr. Levinson answered affirmatively.

Mr. Bernard read Mr. Moody's letter with additional restrictions, which are as follows: agreement with staff recommendation on CS and OL zoning and on the PUD with no open air storage or sales of merchandise on the parking lot within 200 feet of the south right-of-way line of East 151<sup>st</sup> Street; no loud P.A. systems from businesses in the PUD that can be heard by property owners south of 151<sup>st</sup> Street; and personal use of the existing metal building for non-business type uses only.

Mr. Levinson stated that his client is in agreement with the restrictions requested by Mr. Moody.

Mr. Ard stated that he is interested in the mutual access agreement and where it is located. In response, Mr. Levinson stated that there is mutual access between Lot 2 and Lot 1 and there will be flow of traffic all the way through. There is also a private easement, which belongs to Mr. Crissup, and when the streets are put in it will all tie in. Mr. Levinson indicated that Mr. Crissup has written a letter agreeing with the PUD.

**INTERESTED PARTIES:**

**Doug Pittman**, 14736 South Lewis, Bixby, 74008, stated that he abuts the subject property to the west. Mr. Pittman expressed his concerns with the precedent that would be set if the application as originally presented was approved, which would allow for CG and CS zoning. The subject area is developing as a large-lot, upscale home area and not an area where large metal buildings, trade shops, and service and repair shops would be appropriate, in his opinion. He would agree with the CS uses that staff has recommended only. He doesn't have an objection to the church use, but he does have some reservations about the duplex uses.

Mr. Pittman submitted photographs (Exhibit B-1) indicating the most recent construction in the subject area, which were homes. Mr. Pittman submitted an aerial photograph of the subject area (Exhibit B-3), which was taken in January 2006. He indicated the property that he owns and the property that Mr. Crissup owns. Mr. Pittman stated that Mr. Crissup submitted a letter June 19, 2006 to the TMAPC, which strongly mirrors his opinions and they both support the staff recommendation. Mr. Pittman indicated that he and Mr. Crissup own approximately 85 acres that surround the subject 4 1/2 acre tract and will be impacted by the tone that is set with commercial development in this area. One would be hard-pressed to find a building as large as the existing metal building within a two-mile radius. Mr. Pittman stated that the existing building was built without a survey. It doesn't meet the setback requirements. The footings were never inspected, etc. He personally is tired of situations where people in the County take the attitude that they can build whatever they want wherever they want and then ask for forgiveness. The owner of the subject property was made aware several times that the existing building was not meeting Code and it wasn't being built in the right way. Mr. Pittman indicated that he doesn't have a problem with the existing building remaining for personal use; however, he doesn't like the looks of the building. He strongly objects to the existing building being made a part of a church or some other residential thing that could place there and then be grandfathered in its present form. If the existing building is allowed to remain, then it should be brought up to the recommendations for appearance and commercial standards for any other commercial building that would be built in the subject area.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Pittman if he is talking about an esthetic point of view or setbacks. In response, Mr. Pittman stated that he is talking from an operational

standpoint. Mr. Pittman further stated that there is no reason that the existing building couldn't have some sort of facing put on it, which seems to be the most common type of construction, if it were allowed to stay there.

Mr. Jackson stated that he doesn't know if the Planning Commission has the right to make the applicant change the façade of the existing building and he didn't want to mislead Mr. Pittman. Mr. Pittman reiterated that his concern is that in the past the Zoning Code and permitting requirements have been ignored more than once during the development of the existing building. This existing building was not an accident. The County Inspector posted stop-work orders three days in a row and they were ignored until they were threatened that the Sheriff would be coming out next.

Mr. Bernard asked Mr. Pittman if his concern is that if this happened on the existing building, what the owner would do with anything else. In response, Mr. Pittman answered affirmatively.

Mr. Pittman stated that it has become a constant pattern for the rules to be ignored and then ask for forgiveness later. If this has been a pattern with the existing building, why wouldn't it be the same with the next building?

Mr. Pittman concluded that he does believe that the staff recommendations are thought out and equitable and fair to everyone involved. They are representative of the type of development that needs to and should occur in the subject area. He is fully supportive of the staff recommendation and so is Mr. Crissup. All of the recommendations give quite a bit of discussion regarding lighting. The current lighting on the existing building is unbelievable. It looks like the North Star in the middle of the country at night. He commented that he could stand outside on the pond banks and be able to read at night because of the lighting on the existing building. There are no other lights on the entire 40-acre tract and he would like to request that the lights be directed downward and not straight out.

**Applicant's Rebuttal:**

Mr. Levinson stated that the subject property is within the Bixby fence line, but it hasn't been annexed. The Bixby Comprehensive Plan designates this area as corridor and staff has talked with Jim Coffey, who suggested that it be commercial with a PUD overlay. He indicated that he is in agreement with the staff recommendation with the few changes he requested.

Mr. Levinson stated that he didn't expect to get in a dispute about the existing building. He commented that the Planning Commission has enough to do without being the County Inspector. This application has very little or nothing to do with the existing building. He is not asking for the existing building to be grandfathered in. The proposed PUD would not sanction the existing building anyway.

Mr. Bernard stated that he believes that the concern is that, based on the previous violations with the existing building, there would be continued violations within the PUD. In response, Mr. Levinson stated that there is always that question and his guess would be that the current owner would be developing the subject property, but he can't guarantee this.

Mr. Jackson asked why the applicant didn't purchase enough land so that the 40-foot setback wouldn't be out of bounds. In response, Mr. Levinson stated that he asked the same question and apparently the builder put the building in the wrong place and it was a mistake.

Mr. Jackson asked Mr. Levinson if his client has tried to acquire the 40 feet that is needed. In response, Mr. Levinson stated that the property owner doesn't want to sell the 40 feet needed. Mr. Levinson reiterated that Mr. Crissup doesn't have a problem with the existing building as long as it is for personal use only.

Mr. Bernard asked Mr. Levinson what the personal use is for such a large building. In response, Mr. Levinson stated that it is used for storage and nothing is sold from it that he is aware of.

Mr. Jackson summarized that Mr. Levinson would like to add Use Units 5, 6 and 7. Mr. Jackson asked staff what their opinion is on this amendment.

Mr. Alberty stated that staff hasn't had a problem with adding the church use; however, the interested party did have a concern with the duplex uses. This is a transitional use and staff doesn't have a problem with it.

Mr. Jackson asked staff if they were in agreement with the restrictions that Mr. Moody has requested. In response, Mr. Alberty stated that those restrictions could be added to the requirements by the Planning Commission.

Mr. Jackson asked staff what their position on the existing building would be. In response, Mr. Alberty stated that in no way does the staff recognize that the existing building meets any of the requirements of the PUD. Certainly it has become an enforcement issue. This is a predicament that staff can't do anything about, other than what is stated in the PUD recommendation. Staff does not have enforcement capabilities. The County Inspector has legal recourse.

Mr. Jackson asked why the applicant didn't do a panhandle and curve the existing building out of this application. In response, Mr. Alberty stated what has occurred to him today that is the best way to handle this is to delete it from the PUD entirely and leave the north 200 feet AG instead of rezoning it OL and amend the PUD so there is absolutely no PUD approval nor any change in zoning. Mr. Alberty stated that he has just thought of this and has not discussed it with the applicant.

Mr. Jackson recognized Mr. Levinson and asked him what he thinks about taking the 200 feet off.

Mr. Levinson stated that it isn't a bad idea.

Mr. Jackson recognized Mr. Pittman.

Mr. Jackson asked Mr. Pittman if he objects to duplexes. Mr. Pittman stated that when he thinks of duplexes he sees small lots with things crammed together. He doesn't believe that would be consistent with the subject area as far as lot size.

Mr. Pittman stated that he would like to clarify that Mr. Sitton didn't buy the land with the building existing. He purchased the land and then built the building in the wrong spot. All of the hardships with the existing building were self-imposed by Mr. Sitton.

Mr. Jackson assured Mr. Pittman that the Planning Commission is fully aware of what has happened with the existing building and the County Inspector would have to take care of this situation.

Mr. Wofford stated that there is a staff recommendation and now the Planning Commission is given yet another change to have duplexes and other uses. This is not consistent and this application is way too messy. He doesn't see how he can support these types of uses within the district as proposed.

Mr. Jackson stated that he would like to give Mr. Levinson two to four weeks to come back with his new Use Units, minus the duplexes and chop off the upper 200 feet with drawings to indicate the accesses and how this would lay on the land.

Mr. Jackson made a motion to continue CZ-375 and PUD-731 to August 16, 2006 and the applicant should have his text and exhibits in order.

**No second/motion failed.**

**TMAPC COMMENTS:**

Mr. Wofford stated that his concern is that this has been continued this application three times and it has been a continually moving target. Something should be decided today.

Ms. Bayles commented that this application has been flawed from the beginning and she is not in favor of supporting it in its present form or in a new reincarnated version.

Mr. Jackson stated that this is a speculative venture without a seasoned developer. He further stated that Mr. Levinson is only working with what he has to work with. He can take the Planning Commission comments and go back to the applicant and neighbors to design this to make it harmonious with everything else. Mr. Jackson stated that he believes it is only fair that this applicant is given due process. The Planning Commission can do their part to help clean this up by chopping off the upper 200 feet and let the County deal with the existing building and the Planning Commission can deal with the land use below it. This would give the surrounding property owners some type of indication of what is going to be there.

Mr. Bernard asked Ms. Bayles if her concern is due to the number of continuances or the problems. In response, Ms. Bayles stated both.

Mr. Levinson stated that every continuance that this application has had, with the exception of the first one, was a result of health issues on his part. This shouldn't be a reflection on the application or client.

Mr. Bernard stated that he understood that the continuances were due to Mr. Levinson needing to be out of town for medical reasons.

Mr. Ard stated that he has a problem with the entire application. His concerns are more global. There is not another piece of commercial property for three miles in any direction. It strikes him that this application is ahead of the ballgame and a better development plan would be to work from the commercial areas, which are in Bixby and Glenpool toward the middle instead of putting a CS tract in the middle of a high-end rural residential area. The history of development that exists on the subject property is another concern. Mr. Ard concluded that he wouldn't consider voting in favor for this application because of these concerns.

Mr. Ard stated that he would move to deny the CS zoning for CZ-381. Mr. Wofford seconded.

Mr. Jackson stated that this is the first time this has come south and the applicants need to be informed when they come in that they are either too far out and they need to wait until the same zoning starts coming closer to their location.

Mr. Ard stated that he understands Mr. Jackson's statements and he is not anti-development, but this application bothers him and it has since the first time he has seen it. Mr. Ard indicated that he has visited the subject property several times and this is the first time the Planning Commission has had the ability to discuss it. Despite the other problems that it has it strikes him that it doesn't belong in the subject area yet.

Mr. Jackson stated that he is not arguing for it, but it is on the highway and a secondary arterial. Will the Planning Commission be getting itself in a situation where the applicant will take this to the court because it meets the requirements for commercial zoning? This is a 4.5-acre corner node, and granted there are no rooftops and residents to support commercial, but this may only delay this decision or be taken to District Court.

Mr. Boulden stated that the Planning Commission is only a recommending body to the BOCC and the District Attorney would have to defend this. Mr. Boulden stated that he is not concerned about denying this application, but Mr. Jackson's point is that commercial activity is generally allowed on major intersection nodes, which this appears to be.

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to recommend **DENIAL** of the CG zoning for CZ-381.

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to recommend **DENIAL** of PUD-731.

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**Application No.: PUD-327-A-2**

**MINOR AMENDMENT**

**Applicant:** Dennis Blind

(PD-18) (CD-8)

**Location:** 81<sup>st</sup> Street, west of Memorial Drive

**STAFF RECOMMENDATION:**

The applicant is requesting an amendment to previously amended development standards to decrease the required separation between ground signs and to permit an increase in display surface area.

Original development standards did not allow ground signs and limited wall signs to one wall sign per lot, each not to exceed 32 square feet of display surface area and only permitted on the south wall of the building. In 1993, TMAPC approved PUD-327-A-1 to amend development standards for signage as follows:

One sign per lot is permitted. If that sign is a wall sign it shall not exceed 32 square feet of display surface area and shall only be allowed on a south facing wall. If that sign is a ground sign it shall not exceed 16

square feet in display surface area nor 2 ½ feet in height. There must be at least 100 feet of separation between ground signs and not ground sign shall be permitted within 65 feet of the west boundary of the PUD.

Subsequently, a 2.5-foot high sign with 16 square feet of display surface area was approved for Lot 1 (sign plan attached) in compliance with the 65-foot setback from the west boundary of the PUD. In order for the proposed sign for Lot 2 to comply with the 100-foot setback between ground signs it would have to be located adjacent to the east boundary of Lot 2, which is sloped downward and heavily treed. The applicant suggests that it would be more appropriate to locate the sign adjacent to the drive providing a minimum separation of approximately 25 feet.

The applicant also proposes to increase permitted display surface area from 16 square feet to 32 square feet. Underlying RM-1 permits one identification sign on each perimeter street frontage of a multifamily development, manufactured home park or subdivision, single-family subdivision or permitted nonresidential use. The sign shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than 32 square feet. It has been interpreted in the past that this two lot office development with total frontage of 170 feet constituted the permitted nonresidential use, and subsequently, the 32 square foot display surface area permitted for ground signs was split to provide each lot signage.

Therefore, staff cannot recommend approval of the increase in display surface area, but recommends **APPROVAL** of **PUD-327-A-2** to decrease the 100-foot separation per Board of Adjustment approval of BOA-20296.

**Applicant's Comments:**

**Dennis Blind**, 4645 South 83<sup>rd</sup> Avenue, Tulsa, Oklahoma 74145, stated that he doesn't agree with the entire staff recommendation. He appreciates the approval he received at the BOA for the 100-foot separation and staff's also in agreement with that separation being reduced due to site conditions and a creek where the sign would be located to adhere to the PUD restrictions and requirements.

Mr. Blind stated these are two separate fee-simple lots that were a part of PUD-327. He commented that he has never seen an interpretation that would take the provided signage and then start subdividing it within a PUD. He requested that his sign be allowed to be 32 square feet or match the sign that is currently in place on Lot 1. Mr. Blind indicated that the existing sign is not the same as shown in the PUD records. He stated that the existing sign is 28 square feet of display surface or seven feet by four feet. He would like to match his sign to the existing sign due to site restraints. Mr. Blind submitted a photograph of the subject property (Exhibit C-1), which shows the existing sign on Lot 1 and the utility boxes that would obstruct the view of the subject building. He requested that the proposed sign be increased to 32 square feet or match that on the neighboring lot at 28 square feet.

Mr. Blind stated that he reviewed the Comprehensive Plan and he couldn't find any policy statements that would support or reinforce the interpretation that staff has made with respect to assigning the 32 square foot sign, which is specifically on a per lot basis and to a per development basis as he interprets the Code.

**TMAPC COMMENTS:**

Mr. Bernard asked staff to respond to Mr. Blind's statements.

Ms. Matthews called attention to the fifth paragraph and last sentence under the staff recommendation that states ..." It has been interpreted in the past that this two-lot office development with total frontage of 170 feet constituted the permitted nonresidential use, and subsequently, the 32 square foot display surface area permitted for ground signs was split to provide each lot signage." Apparently there has been a precedent for this.

Ms. Bayles asked what the circumstances are for the approved sign plan, dated 7/21/93 on page 14.4 of the agenda, which is not the existing sign.

Ms. Matthews stated that apparently the existing sign is not the sign that was approved.

Ms. Bayles asked Mr. Blind if he could explain why the existing sign is not the signage that was approved in 1993. In response, Mr. Blind stated that he had nothing to do with that sign or property. Mr. Blind explained that these are fee-simple lots and that is a totally different individual on Lot 1. Mr. Blind indicated that his client purchased Lot 2 for a dental practice.

**There were no interested parties wishing to speak.**

Mr. Jackson asked staff about the signage on Lot 1 not being the correct sign and if it should have any bearing on the subject property. In response, Mr. Alberty stated that staff's recommendation will be the same regardless of the signage on Lot 1 and staff wouldn't be influenced by an illegal sign.

**TMAPC Action; 6 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **DENY** the increase in display surface area, and to **APPROVE** decreasing the 100-foot separation per Board of Adjustment approval of BOA-20296 per staff recommendation.

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**Application No.:** PUD-732

**OL TO OL/PUD**

**Applicant:** Khoury Engineering, Inc.

(PD-6) (CD-4)

**Location:** Northwest corner of 17<sup>th</sup> Place and South Utica Avenue

**STAFF RECOMMENDATION:**

**BOA-20263 2006:** The application was withdrawn by the applicant to go to the TMAPC for a Planned Unit Development on the subject property.

**PUD-708-A June 2005:** A Major Amendment to PUD-708 to remove the property from the HP overlay zoning district on a 1.34± acre tract located on the southeast corner of East 15<sup>th</sup> Street and South Utica Avenue. The TMAPC approved it per staff recommendation, subject to the removal of the Victor access. The final City Council vote to approve was 6:0:1, with Councilor Mautino abstaining.

**Z-6977 June 2005:** All concurred for approval of a request for rezoning a .42± acre tract from RS-3/PUD/HP to RS-3/PUD for off-street parking for PUD-708-A on property located on the southeast corner of East 15<sup>th</sup> Street and South Utica Avenue.

**PUD-708 August 2004:** An application was filed for a Planned Unit Development which proposed the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP for the development of a bank. Approval was granted subject to staff recommendations, subject to specific traffic flow requirements.

**BOA-19390 June 25, 2002:** The Board of Adjustment approved a Special Exception to allow required parking on lot other than where principle use is located, per plan allowing modification of the landscaping to meet zoning requirements and subject to a tie agreement on the subject property.

**BOA-19279 January 2002:** The Board of Adjustment approved a request for a special exception to permit a restaurant located south of the southwest corner of East 15<sup>th</sup> Street and South Utica, to meet part of the parking requirements on lots adjoining the property where the restaurant is located. Approval was granted per plan and subject to a tie agreement for the lots.

**PUD-614 August 1999:** An application for a PUD that proposed a one-story medical office (KMO Cancer Care Facility) on a 1.2-acre tract located on the southeast corner of East 15<sup>th</sup> Street and South Victor and northeast of the subject property was approved.

**PUD-553 April 1997:** A request for a Planned Unit Development that would allow a bank, including drive-in facility, and offices on a tract located on the southwest corner of East 15<sup>th</sup> Street and South Utica Avenue was approved per conditions.

**BOA-17463 August 13, 1996:** The Board of Adjustments approved a Variance to allow parking on a lot other than where the office uses are located per plan submitted and subject to a tie contract on the subject property.

**Z-6490/Z-6490-A August 1995:** All concurred in approval of a request to rezone an area of approximately 74 acres in the Yorktown neighborhood that included lots between East 15<sup>th</sup> Street on the north, west to South Utica Avenue, east to Lewis and south to St. John's Medical Center, for Historic Preservation (HP) supplemental zoning.

**PUD-417-D March 1999:** All concurred in approval of a Major Amendment to expand the existing parking facility and adding five residential lots to Development Area B for St. John Medical Center.

**PUD-417-C April 1991:** All concurred in approval of a Major Amendment to incorporate additional land and alter development standards on St. John Medical Center, Inc. property.

**Z-6212 May 1989:** All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15<sup>th</sup> Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17<sup>th</sup> Street on the south.

**PUD-417 September 1986:** PUD-417-B August 1990: All concurred in approval subject to conditions of a PUD that combined PUD's 225, 338, 401 and BOA-12767. The PUD amended certain standards previously approved and added property to St. John Hospital complex located southeast of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 0.69 ± net acres in size and is located on the northwest corner of South Utica Avenue and East 17<sup>th</sup> Place. The property is vacant and is zoned OL, Office Light Intensity. The subject property is **not** located within the Historic Preservation District.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Utica Avenue	Urban Arterial	70 feet	4 lanes
East 17 <sup>th</sup> Place	Residential	60 feet	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by South Utica Avenue and a medical office, zoned OM, Office medium intensity; on the north by an office use, zoned OL, Office light intensity; on the south by East 17<sup>th</sup> Place and single-family residential, zoned RS-3/HP, Residential Single-Family, Historic Preservation District and on the west by single-family residential, zoned RS-3/HP, Residential Single-Family, Historic Preservation District.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Special Consideration Area – Cherry Street, Low Intensity Subarea (Area G), No Specific Land Use and is adjacent to the Swan Lake Historic Neighborhood. PUD 732, a proposed office development, may be found **in accordance** with the Plan by virtue of its location within a special consideration area.

**STAFF RECOMMENDATION:**

PUD-732 comprises four lots located on the northwest corner of East 17<sup>th</sup> Place and South Utica Avenue. The subject property has 140 feet of frontage on East 17<sup>th</sup> Place and 200 feet of frontage on South Utica Avenue and is zoned OL, Office Light Intensity. Development was initially proposed through Board of Adjustment application 20263, which sought variances for the setback from South Utica Avenue, building height limitations for a two-story office, setback of parking from residential, screening requirements along East 17<sup>th</sup> Place and a special exception to increase the floor area ratio from thirty percent to forty percent. The applicant subsequently withdrew the application after being advised to resubmit the proposed development as a PUD.

The applicant is proposing medical office uses in a 10,610 square foot two-story building located close (6.5') to the South Utica Avenue right-of-way, in keeping with existing development in the area. Two access points onto South Utica Avenue are proposed; the southernmost being located approximately 24 feet from the south boundary of the PUD and 40 feet from the driving surface of East 17<sup>th</sup> Place.

Adjacent to the west boundary of the subject property and south across East 17<sup>th</sup> Place is existing single-family residential which is part of the Swan Lake Historic Preservation District. The subject property is not located within the HP district. Existing office uses are adjacent to the north and to the east across South Utica Place.

Because the existing zoning and proposed use are consistent with the Comprehensive Plan, in harmony with existing and expected development of surrounding areas, and an appropriate buffer between residential and non-

residential land uses, staff recommends **APPROVAL** of PUD-732 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:

<b>Land Area (Gross):</b>	39,100 S.F.	0.90 AC
<b>Land Area (Net):</b>	28,000 S.F.	0.64 AC

**Permitted Uses:**

Uses as permitted by right in OL, Office Light districts, except drive-through banks; and Barber and Beauty Shops as provided in Use Unit 13, Convenience Goods and Services.

**Maximum Floor Area Ratio:** 0.40

**Maximum Building Height:** 2-story\*, not to exceed 35 feet in height  
\*No upper story windows on west-facing walls. \*Windows on the second story, on the west side of the building, shall have no visibility up to six feet and shall allow operable windows six feet above window for air circulation.

**Minimum Building Setbacks:**

From centerline of S. Utica Ave.	40 feet
From the north boundary of PUD 732	10 feet
From the ROW of E. 17 <sup>th</sup> Place	50 feet
From the west boundary of PUD 732	60 feet

**Parking Setbacks:**

From the centerline of S. Utica Ave.	47 feet
From the west boundary	5 feet

**Access:**

Permitted from South Utica Avenue, only.

**Minimum Off-Street Parking:**

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

**Sidewalks:**

Sidewalks shall be provided in the rights-of-way of all public residential and arterial streets in accordance with the Subdivision Regulations.

**Minimum Internal Landscaped Open Space and Street yards:**

A minimum of 15 percent of the net land area shall be improved as internal landscaped open space and may include required street yards and landscape buffers. All landscaping shall be in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and PUD Development Standards.

**Screening:**

A minimum eight foot high masonry screening wall or fence shall be required along the west boundary of the PUD. The south boundary, adjacent to East 17<sup>th</sup> Place shall be screened by an eight foot high masonry screening fence from the west boundary extending eastward 40 feet, then decreasing in height to no less than three feet extending eastward an additional 65 feet.

**Signs:**

~~One wall sign not to exceed 64 square feet of display surface area shall be permitted on the east-facing wall, only. In addition, one nameplate not to exceed four square feet in display surface may be attached to the north and south-facing walls in conformance with Section 225.B.1 of the zoning code. Up to two signs are permitted (wall, ground or one of each) not to exceed an aggregate display surface area of 64 square feet. In addition, one nameplate not to exceed four square feet in display surface area may be attached to the north, east and south-facing walls in conformance with Section 225.B.1 of the zoning code. Monument sign placement is subject to review by the Traffic Engineering Department.~~

**Lighting:**

No pole-mounted lighting is permitted. Building-mounted lighting shall be decorative in nature; however, security lighting on the north, west and south elevations, if used, shall be hooded and directed downward and away from adjacent residential uses and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

**Outdoor Trash Receptacles:**

Outdoor trash receptacles must be setback from the west boundary of the PUD by a minimum of 20 feet, by five (5) feet from the south boundary and shall be screened from view of persons standing at ground level. Garbage pickup shall be from the hours of 7:00 a.m. to 7:00 p.m.

**Other Bulk and Area Requirements:**

As established within an OL district.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
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 6-15-06:**

**General** – No comment.

**Water** – A six-inch water main exists along the eastside of Utica Ave and a four-inch water main exists along the south side of East 17<sup>th</sup> Place.

**Fire** – Location map has wrong Range and Township and should be T-19-N and R-13-E.

**Stormwater** – No comment.

**Wastewater** – TV inspection of the existing line must be completed prior to connection. If the condition of the line will not support new connections, then the developer will be required to rehab the line at his own expense. Contact Mark Rogers, Underground Collections, at 669-6117 to schedule an inspection.

**Transportation** – Additional 5' of R/W on Utica must be dedicated to conform to the Major Street and Highway plan designation of Urban Arterial, requiring 35' of R/W from the centerline. A 30' radius property line at the corner of 17<sup>th</sup> Place is also required.

**Traffic** – The design of adequate intersection line of sight for 17<sup>th</sup> Place shall be approved by the Traffic Engineer and will effect the location of the sign structure, the first parking space and possibly the southeast corner of the building.

**GIS** – No comment.

**County Engineer** – No comment.

**MSHP**: Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South designated as urban arterial

**LRTP**: Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South, existing four lanes

**TMP**: No comments

**Transit**: Tulsa Transit operates existing routes on Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South. According to MTTA future plans, this location will continue to be served by transportation routes.

**TMAPC COMMENTS:**

Mr. Bernard stated that it was his understanding that there would be no access onto 17<sup>th</sup> Street. In response, Ms. Matthews stated that she believes that is correct. Mr. Bernard stated that if there is no access onto 17<sup>th</sup> Street, then the possible closing of that street should have no bearing on this application.

Mr. Ard asked if the amended PUD would allow windows on the west side. In response, Ms. Matthews answered affirmatively.

**Applicant's Comments:**

**Danny Mitchell**, 5110 South Yale, Suite 510, 74135, stated that he is in agreement with staff's recommendations. After the last meeting he met with the neighborhood group on July 11<sup>th</sup> and there were two representatives from the City Traffic Engineering Department, two representatives from Stormwater Engineering and a representative from the Mayor's office. He accepts staff's recommendation and would like to reserve his time for rebuttal.

Ms. Bayles asked how the balcony would be accessed. In response, Mr. Mitchell it stated that it is strictly from the second floor, which is the doctor's waiting room and reception area.

**INTERESTED PARTIES:**

**Susan McKee**, 1616 South Victor, 74104, Yorktown Neighborhood, expressed concerns regarding windows on the second story that would look into residents' back yards. She questioned the type of materials that would be on the outside of the building and said it doesn't fit the neighborhood the way it looks now.

Mr. Bernard asked Ms. McKee if she attended the meeting with the applicant and other interested parties. In response, Ms. McKee stated that she didn't attend because she lives in Yorktown and wasn't invited. Ms. McKee indicated that she would be able to see the proposed building from her back door.

**Bill and Victoria Schultz**, 1715 South Troost, 74120, stated that their property abuts the subject property. They both expressed concerns with windows on the second story that would look into their back yard and home. They indicated that they did attend the meeting on July 11<sup>th</sup> and they were told that there would be zero visibility from the west side into their back yard. They are surprised to see that there are windows proposed once again.

Mr. Jackson asked Mr. and Mrs. Schultz if there were big trees in their back yard. In response, Mr. Schultz stated that there is one tree in the corner of his yard and that tree could be in jeopardy during the development stage. Mr. Schultz stated that there is a clear shot back into his yard.

Mr. Boulden stated that everyone is talking about the windows, but no one has talked about someone standing on the balcony. Mr. Schultz stated that he wants zero visibility or accessibility. Mr. and Mrs. Schultz stated that none of the neighbors wants windows or visibility from the west side of the proposed building.

Mr. Jackson asked Mr. and Mrs. Schultz how they would feel if it were a house with two-story windows. In response, Mr. Schultz stated that this is a business where there will be many people coming through every day of the year. These are people whom he wouldn't know, but one gets to know neighbors who are one family, versus hundreds of clients throughout the year.

Mr. Schultz asked if the applicant embeds the retaining wall deeper, then how it would restrict the water flow from his yard to where it goes now. In response, Mr. Jackson stated that he will ask the applicant if there will be a French drain behind the retaining wall and it may address this concern.

Mrs. Schultz reiterated that they have only one tree in their back yard. It is to the far left of their property and offers no screening. Mrs. Schultz cited a timeline of the subject property past and present proposals. She expressed concerns that

the reception area would look over her back yard and now the applicant is requesting windows that would allow people to look into their back yard and home. She indicated that at the July 11<sup>th</sup> meeting she was promised zero visibility.

Mr. Bernard asked Mrs. Schultz if there were no windows on the back of the proposed building, would she be in agreement with the proposal. Mrs. Schultz indicated that she isn't against the development, but she is opposed to windows on the back of the 2<sup>nd</sup> story. Mrs. Schultz commented that it is beyond her why Dr. Hinkle will not put himself in her place.

**Glenda Whitsett**, 1711 South Troost, 74120, stated that her home is next to Mr. and Mrs. Schultz. She echoed the same concerns regarding the windows on the back of the proposed building. She indicated that she has invested a great deal in her home and loves the subject area. She believed that the OL zoning on the subject property would protect her home and investment. Ms. Whitsett stated that she would like to see the property developed as she was told it would be by Dr. Hinkle. She believes that the windows on the back side of the building will impact her privacy. The back side of her home is all glass doors and windows. Ms. Whitsett concluded that she believes this proposal threatens her security.

Mr. Jackson asked Ms. Whitsett if the applicant were to use evergreen trees that are in accordance with the Urban Forrester and spaced in a sufficient manner and caliper to protect the view, would she feel more comfortable with that. In response, Ms. Whitsett answered negatively.

Mr. Boulden indicated that there is possibility that we will be losing a quorum and if the interested parties could keep their comments short then we may be able to have a decision on this case prior to losing the quorum.

**Dr. John Ruffing**, 1638 East 17<sup>th</sup> Place, 74120, stated that this proposal would be looking into his front yard. He indicated that he is the person behind closing 17<sup>th</sup> Place for a public safety issue. The problem of safety will be exacerbated by placing this building so close to Utica. Dr. Ruffing stated that he is not against the proposed building, but he believes it will be a public safety issue. He further stated that the proposed signage would also create a safety problem when pulling out of 17<sup>th</sup> Place.

Dr. Ruffing stated that the dumpster for the proposal would be located across the street from him. It will be approximately within 50 feet of one of his bedrooms and will decrease his property value. These dumpsters are routinely emptied between 4:00 a.m. to 5:00 a.m. and it is hard for him to sleep with windows opened because he is awakened by these clanging dumpsters in the middle of the night. He is not sure why Dr. Hinkle wants his patients to leave on the dumpster side of the building. It is possible to use trash cans rather than

dumpsters in a more residential way and it would seem this could be applied to this project and avoid a lot of the hassles with this dumpster.

Dr. Ruffing stated that he doesn't believe that the proposed building architecturally blends in with the Swan Lake district. When one purchases property in an HP area then one should expect to have some HP ramifications. He commented that the PUD should be denied on the basis that the proposed building doesn't appear to match the Swan Lake neighborhood. He clarified that the buildings that were removed were on the National Historic Register, but not HP-zoned through the Tulsa HP Ordinance.

Mr. Jackson stated that Dr. Ruffing is talking about being in harmony with the neighborhood, but there is nothing the same from 21<sup>st</sup> to 11<sup>th</sup> Street. There are hospitals, the highway, two new banks, new houses and then a couple of medical and business offices, parking garages, etc. In response, Dr. Ruffing stated that some of the medical and business offices are converted residential homes or buildings to look like homes. Dr. Ruffing further stated that he would like to see the Swan Lake feel and architectural variation and scale applied to his side of the street, which would include this building. Dr. Ruffing indicated that he knew when he purchased his property that the houses across the street were zoned OL. He read the zoning law and it stated one story and now it is two stories. He doesn't object to two stories because the original house was two stories because it will mask the traffic noise, but PUDs can be used in ways that seem to convert them from OL to OM.

Mr. Jackson stated that he disagrees with Dr. Ruffing regarding OL and OM. OM would indicate multiple stories (five to 15 stories) and not two stories. He further stated that Dr. Ruffing is mixing the two zonings together and that is not fair. Most single-family houses can be built at 35 feet with no variance. Dr. Ruffing stated that he wanted to emphasize that the dumpster is a problem for him and he believes that it can be solved by replacing it with a trash can.

**Wendy Lanier**, 1624 E. 17<sup>th</sup> Place, 74120, stated that she is a professional civil engineer and she has worked all over the world putting in pipelines and commercial properties. She is surprised at the way the City is handling this subject property. The applicant has removed three residences and a small business, invaded her neighborhood and is not being made to accommodate the neighborhood. She is getting that feeling from anyone on the Planning Commission and especially from Mr. Jackson. It appears that Mr. Jackson has a voice that repeatedly states that our neighborhoods are not important. Ms. Lanier cited the various types of homes in her neighborhood. She asked if the Planning Commission values the neighborhood and is it not part of their goal to protect one of the jewels of Tulsa?

Ms. Lanier indicated that she attended the July 11<sup>th</sup> meeting where everyone was assured that there would be no visibility into the back yards. She believes that

this one development will change the complete feel of the neighborhood. The homes that were destroyed were a buffer. Now the applicants have changed their minds about the windows and the balcony. The architect stated that he could give the owner his light, air circulation and provide 100% no-visibility, but now they are stating that they are not going to do this. It seems to be intentionally another intrusion into the neighborhood. The existing trees will all be dead within five years due to the retaining wall.

Ms. Bayles stated that she is concerned about losing a quorum. Ms. Bayles asked Ms. Lanier if she lives next door to Mr. Atkins and Dr. Ruffing. In response, Ms. Lanier stated that she lives one house away from them at the end of Troost Street. Ms. Bayles asked Ms. Lanier if she was contacted for input prior to the July 11<sup>th</sup> meeting. In response, Ms. Lanier answered affirmatively.

Mr. Bernard stated that Mr. Jackson can speak for himself, but he wanted to assure her that if this was of little concern to the Planning Commission, then this issue would have been voted on and done away with many weeks ago. The reason for today's meeting is because there is a concern for what is going on in the subject area. Just because the Planning Commissioners ask certain questions a certain way doesn't mean that we are leaning one way on a vote or the other. He indicated that he has voted for and against applications on many situations and actually asked questions that would make one think was the opposite of the way he was going to vote, but he needed to hear the response and rebuttal before making his decision. He noted it is 5:35 p.m. and he is concerned about losing a quorum. The Planning Commission does want to get this resolved tonight.

Mr. Jackson stated that he is a homebuilder by trade and if anybody believes in harmony and homes being material is him because that is what he does for a living every day. Rome wasn't built in a day and the Planning Commission has been requesting a residential-like commercial structure with pitched roofs, and it is evolving. Staff doesn't have set guidelines except that it has to be masonry exterior façades and a pitched roof. The Planning Commission hasn't reached the point where it has to say that there are no windows on the back and a 14/12 pitched roof with gable ends and things that reflect a 1920's craftsman style architecture. The architect has only taken what is already allowed in the Code and the Planning Commission is listening to that and seeing that he is making efforts to do this and not actually tying in to what is actually built next door. The applicant is using the rules that have been set forth in the past. As seen on the Lewis Corridor study, they have put terms in the study to state that the structures had to be like the ones existing. However, the subject property hasn't been given this instruction. Mr. Jackson stated that the applicant has a pitched roof, masonry façade and some overhead doors that are the barn-door look. The applicant is making attempts to appear residential in nature. Mr. Jackson concluded that he is just trying to facilitate both sides of the issue and he is not leaning toward any particular way. The Planning Commissioners are not anti-

applicant, nor anti-neighborhood. Mr. Jackson explained that he is not anti-neighborhood because that is how he makes his living.

**Dusty Peck**, 1716 South Quincy, 74120, member of the Tulsa Preservation Commission, stated that part of his duty on the TPC is to protect the historic resource of Tulsa and not just the historic neighborhoods. He commented that Mr. Jackson doesn't seem to put a lot of historical context into the neighborhoods as to why would they would want to keep it that way and because it is just the same feel. Mr. Peck stated that he met with the applicant two years ago before the houses were being destroyed on the subject properties and he explained his plans, which have changed since then and now doubled in size. Mr. Peck requested that this application be denied. He objects to the windows on the back side of the proposed building and the siding material has never been discussed.

Ms. Bayles stated that she is having problem with Mr. Peck's comments, because it is her understanding that the Board has been in contact with Dr. Hinkle for 18 months. Ms. Bayles asked Mr. Peck if these issues were never brought up. In response, Mr. Peck stated that it was brought up and it was stated that it would be built in a craftsman style or colonial revival style. Ms. Bayles asked if Dr. Hinkle already owned the four lots when this was discussed. In response, Mr. Peck stated that Dr. Hinkle already owned the four lots. Everything that was discussed 18 months ago has now changed and it causes him to distrust the applicant.

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, 74120, stated that he owns property at 1708 South Troost and he is currently the President of Swan Lake Association. He indicated that he has been in contact with Dr. Hinkle off and on. He first saw the plans for the proposal during the BOA meeting. Mr. Atkins stated that he owns Atkins Property Management Services, LLC, and Dr. John Ruffing has hired him to do the street closing on 17<sup>th</sup> Place, which he believes he should disclose. He hired Sack & Associates for the street closing and has consulted with Jon Eshelman.

Mr. Atkins stated that from the onset he has not been against this project, but for this project. Mr. Atkins read from the general guidelines 1101.A. and pointed out that the proposed building doesn't meet these guidelines in his opinion. He requested that the Planning Commission deny this PUD based on 1101.A because it doesn't keep with integrity or intensity or assuring compatibility with the adjoining properties.

Mr. Atkins suggested that the proposed building and its signage would be a safety issue. He suggested that the monument sign be placed at a safe distance so that it doesn't obscure traffic when looking north. Mr. Atkins submitted a speed distance chart (Exhibit D-2), which didn't have a business name or company name on the chart.

Mr. Bernard requested Mr. Atkins to conclude his presentation due to the time. He explained that Mr. Atkins had already addressed these subjects previously. In response, Mr. Atkins stated that if this goes to court he wants everything to be documented. Mr. Bernard stated that it was documented at the last meeting.

Mr. Atkins continued with the same issues regarding the proposal that was given to him 18 months ago by the applicant versus the proposal today. He suggested the following: no windows on the second story of the back side have translucent glass with ventilation above the windows if necessary for light.

Mr. Bernard stated that he would give Mr. Atkins two more minutes.

Mr. Atkins submitted photographs of dumpsters at surrounding properties (Exhibit D-4). Mr. Atkins had several suggestions for the dumpster and placement of the dumpster. If there are dumpsters he would like them to be emptied between 7:00 a.m. and 7:00 p.m.

Mr. Bernard stated that the applicant has already agreed to the dumpsters being emptied between 7:00 a.m. and 7:00 p.m.

Mr. Atkins had the following ten points: 1. building architectural compatible with HP; 2. no windows on the second floor; 3. no accessibility to the balcony on the second floor; 4. time limit on the hours to be from 7:00 a.m. to 7:00 p.m. except for emergency situations; 5. the building being restricted to medical or dentistry; 6. dumpster emptied between 7:00 a.m. and 7:00 p.m.; 7. fence height be at three feet on 17<sup>th</sup> Place; 8. large retaining walls are perforated so that basements don't flood; 9. no visibility; 10. street closing on 17<sup>th</sup> Place be done and the monument sign be placed with Traffic Engineering present.

Mr. Wofford asked Mr. Atkins why he wanted medical and dental only and why not accountants. In response, Mr. Atkins stated that he feels that this is the medical corridor and that would be complying with the Comprehensive Plan in doing that. There aren't many accountants on the medical corridor that he has seen. Mr. Atkins concluded that there have only been the plastic surgeons and anesthesiologist (the big-bucks people who can afford the property) and some dentists. Mr. Atkins further concluded that he doesn't want a beauty or barber shops either.

Mr. Atkins informed the Planning Commission that their job is to secure and promote safety and by allowing those windows to overlook is not promoting safety.

**Dr. Mike Hinkle**, 1768 South Utica, 74120, submitted photographs (Exhibit D-5) of the neighbor's trees, which he believes will block the view of the second story window. Dr. Hinkle pointed out other office properties within the City that has windows on the second story that look over residential properties.

Dr. Hinkle described the floor plan and the reason for wanting windows on the second floor. He explained that the windows are located in public areas and the reception area. Dr. Hinkle stated that he had been in the four buildings that he tore down and they were all visible, but he understands the neighbors' concerns. He indicated that he asked permission to plant trees on both sides of the fence and was given no opportunity to do that. He offered evergreens and pines to give the neighbors their privacy and make the neighborhood beautiful.

Mr. Jackson asked Mr. Mitchell to explain how he came up with his design and the materials that he is planning to use so that everyone will know and the applicant can be totally transparent. In response, Mr. Mitchell stated that several things come into play when one is trying to match a residential style. There is a 35' height limitation to the highest part of the major roof, which makes this a lower scale than one might encounter with a two-story building without a pitched roof where the exterior wall was 35 feet. This exterior wall will be approximately 21 feet and then the roof slope starts. There is a mix of brick, stone, and stucco used on homes in the Swan Lake area and some of these are all on the same house. There are multiple and identifiable styles of homes within the Utica Square area and there is no one set style in Swan Lake. It is a mix of older homes that have the character of brick, stone, stucco and pitched roofs. The roofs vary in the amount of pitch from 4/12 pitches to some exceeding 12/12 pitches. He is proposing residential windows and not an office building banded glass wall, using materials sympathetic to any residential development and not using metal or vinyl siding. The trim would be a residential wood product. He believes that he has used the elements that are incorporated into a residence. Mr. Mitchell stated that this project is quite different from other professional buildings that he has done that tend to be two story walls with flat roofs, and bands of glass.

Mr. Ard asked Mr. Mitchell if he could maintain the functional utility of the building if he eliminated the windows on the second floor from the west side. In response, Mr. Mitchell answered negatively.

Mr. Ard asked Mr. Mitchell why this didn't come up in the meeting with the neighbors and why they were led to believe that there weren't going to be any windows. In response, Mr. Mitchell stated that he believes what the Planning Commission has heard today was that no windows were never discussed. What was discussed was no visibility of the back yard.

Mr. Ard asked Mr. Mitchell if there is a way to not impair the functional utility of this structure and not provide any visibility from the second floor on the west side into the residence. In response, Mr. Mitchell answered affirmatively. Mr. Ard asked how he would do that. Mr. Mitchell mentioned the sight line and fencing. Mr. Ard stated that he is not talking about the sight line but some type of material that would obstruct the view from the second floor into the neighbor's back yard.

In response, Mr. Mitchell stated that he could use obscure glass up to a certain height with operable windows above it. The outside of the glass or balcony could have a fixed louver that would restrict the view.

Mr. Bernard asked Mr. Mitchell if his client is willing to do this, because it is a major concern.

Dr. Hinkle stated that he can't understand why a neighborhood would not want someone who is offering to plant trees to the satisfaction and he is offering to put them on their side so that they can water and maintain them, which would be out of his control. No one will visit that issue. He indicated that he is willing to put trees on his side of the fence because he personally doesn't want to see their back yards. Dr. Hinkle explained that his employees will be there for nine to ten hours a day and it is important for them to see outside. Not being able to see outside has a psychological effect on people. His patients may have to be at his office for more than five to six hours at a time and it is important that their drivers, parents, etc. have light and the ability to see outside.

Mr. Ard asked Dr. Hinkle if he would consider masonry fencing rather than wood screening. In response, Dr. Hinkle stated that he doesn't have any idea what that would cost.

Mr. Jackson asked Dr. Hinkle if the roof would be composition tiles or slate. Dr. Hinkle stated that he is not in that decision mode at this time.

Ms. Bayles asked Mr. Mitchell to describe the design of the office building. Mr. Mitchell described it as plantation colonial.

Mr. Boulden stated that 1101 of the Code addresses the use and not the architecture.

Mr. Jackson recognized Mr. French.

**Darryl French**, Traffic Engineering, 200 Civic Center, stated that his department will be reviewing the building and setback. It is his intention to keep the building out of the sight triangle.

Mr. Jackson asked Ms. Bayles her opinion of plantation colonial. In response, Ms. Bayles stated that she is not an architect, but she does know her neighborhood and there is an eclectic mix of architectural styles in the neighborhood. It would be hard to define it by any one particular style. She doesn't know of a plantation style home in the neighborhood; however, given the properties that exist across the street, she believes the proposal is a lot better looking than the sterile medical buildings.

**Recorder ran out of memory at 6:30 p.m.**

Ms. Bayles expressed her disappointment that there hasn't been beneficial dialogue. Not all parties have been involved from the beginning.

Mr. Jackson asked Mr. Alberty to read the restrictions regarding OL and OM zonings. Mr. Alberty read the restrictions for OL and OM districts.

Ms. Bayles stated that she would like to see some type of restrictions regarding the number of windows because the property ownership could change and she would rather err on caution. She suggested the windows be translucent or no windows at all on the second story.

After a lengthy discussion regarding restrictions the Planning Commission made the following motion:

**TMAPC Action; 6 members present:**

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to recommend **APPROVAL** of PUD-732 per staff recommendation with the following restrictions: no metal roofs; windows on the second story on the west side of the building have no visibility up to six feet and allow operable window six feet above window for air circulation, garbage pickup hours to be 7:00 a.m. to 7:00 p.m.; hours of operation 7:00 a.m. to 7:00 p.m. to the public, except emergency cases only, Monday through Saturday; a masonry wall on all three sides that is to be eight feet in height; French drains around the retaining wall; monument sign placement to be reviewed by Traffic Engineering as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-732:**

Lots 3, 4, 5, and 6, and the east 10' of vacated alley, Block 18, Orcutt Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof **FROM: OL (Office Low Intensity District) TO OL/PUD (Office Low Intensity District/ Planned Unit Development [PUD-732]).**

\* \* \* \* \*

## ZONING PUBLIC HEARING

Application No.: CZ-380

AG TO RE

Applicant: Sack & Associates, Inc./Ted Sack

County

Location: Northwest corner of North 104<sup>th</sup> East Avenue and East 156<sup>th</sup> Street North

### STAFF RECOMMENDATION:

**PUD-673 December 2002:** All concurred in approval of a proposed Planned Unit Development on a 15+ acre tract for a gated subdivision with private streets on property located east of northeast corner East 156<sup>th</sup> Street North and North Mingo Road.

**CZ-308 July 2002:** All concurred in recommending denial of a request to rezone a 15+ acre tract from RE to RS, located east of northeast corner East 156<sup>th</sup> Street North and North Mingo Road.

**CZ-292 October 2001:** All concurred in approval of a request to rezone a 25+ acre tract from AG to RE for residential development, located east of northeast corner East 156<sup>th</sup> Street North and North Mingo Road.

### AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is approximately 2.4+ acres in size and is located at the northwest corner of North 104<sup>th</sup> East Avenue and East 156<sup>th</sup> Street North. The property appears to be in residential use and is zoned AG.

### STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 156 <sup>th</sup> Street North	Secondary Arterial	100'	2 lanes
North 104 <sup>th</sup> Avenue East	Residential	50'	2 lanes

**UTILITIES:** The subject tract has water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by single family residence, zoned AG; on the north by single family residential, zoned AG; on the south by single family residential, zoned RE/AG and on the west by vacant land, zoned RE.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Collinsville Comprehensive Plan designates this area as Residential Low Intensity. The requested RE zoning is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding uses, staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-380.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to recommend **APPROVAL** of the RE zoning for CZ-380 per staff recommendation.

**Legal Description for CZ-380:**

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 18, T-22-N, R-14-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" ON THE SOUTH LINE OF SAID SE/4 SW/4, SAID POINT BEING 176.00' WEST OF THE SOUTHEAST CORNER OF SAID SE/4 SW/4; THENCE DUE WEST ALONG THE SOUTH LINE OF SAID SE/4 SW/4 A DISTANCE OF 649.79'; THENCE NORTH 00°05'17" WEST A DISTANCE OF 266.00'; THENCE DUE EAST A DISTANCE OF 432.49'; THENCE SOUTH 44°42'00" EAST A DISTANCE OF 288.51'; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 51.08' A DISTANCE OF 39.85'; THENCE DUE SOUTH A DISTANCE OF 25.00' TO THE "POINT OF BEGINNING" **From AG (Agriculture District) To RE (Residential Single Family Estates District).**

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**Application No.: PUD-509-1**

**MINOR AMENDMENT**

**Applicant:** Mauzy Engineering

(PD-17) (CD-6)

**Location:** 523 South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is proposing an amendment to the landscaping and screening requirements of PUD 509 in association with construction of an accessory storage building. Current PUD standards require that "a double row of evergreens shall be planted along the side of the PUD abutting South 130<sup>th</sup> East

Avenue to provide screening." The right-of-way for South 130<sup>th</sup> East Avenue has not been improved/ paved. The required evergreen trees were intended to buffer development in PUD 509 from future residential uses on the east side of South 130<sup>th</sup> East Avenue; however, a church has since been constructed on the residential lots abutting the east side of the right-of-way across from the proposed storage building. The single row of redbud trees, proposed in compliance with landscaping of street yards per the landscape chapter of the zoning code, provides sufficient landscaping and visual separation between uses.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD 509-1 as requested.

**RELATED ITEM:**

**Application No.:** PUD-590

**DETAIL SITE PLAN**

**Applicant:** Mauzy Engineering

(PD-17) (CD-6)

**Location:** 523 South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an accessory warehouse use. The proposed use, Use Unit # 23, Warehousing and Wholesaling, is in conformance with Development Standards of PUD 509.

An application for a lot combination has been filed for the purpose of providing an accessory warehouse for storage of statuary materials in connection with the statuary gift shop on The proposed accessory storage building complies with PUD standards for building setbacks, maximum permitted floor area, minimum landscaped area and landscaped street yard requirements. No parking lot standards or building mounted lighting is proposed. Per the zoning code, one additional parking space is required. A minor amendment of screening requirements, PUD 509-1, is being requested to permit a single row of redbud trees adjacent to the unimproved right-of-way of South 130<sup>th</sup> East Avenue.

Therefore, staff recommends **APPROVAL** of PUD 509 detail site plan subject to the following: 1) TMAPC approval of PUD 509-1; 2) approval lot combination LC-23; and 3) ~~provision of one additional parking space as required for warehouse uses in conformance with the zoning code.~~

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

The applicant indicated his agreement with staff's recommendation for PUD-509-1.

**Applicant's Comments:**

Mr. Mauzy stated that he understood that he would be given one parking space credit for the landscaping he is providing.

Mr. Alberty concurred with Mr. Mauzy.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTEES**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-590-1 per staff recommendation.

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the detail site plan for PUD-590 subject to the following: 1) TMAPC approval of PUD 509-1; and 2) approval lot combination LC-23 per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

\*\*\*\*\*

**Application No.: PUD-431-A-8                      MINOR AMENDMENT**

**Applicant:** Jeffrey G. Levinson                      (PD-26) (CD-8)

**Location:** 101<sup>st</sup> Street west of Sheridan and east of South Kingston Avenue

**STAFF RECOMMENDATION:**

Ms. Matthews announced that Mr. Levinson had to leave and requested that this item be continued to July 26, 2006.

**There were no interested parties wishing to speak.**



South Garnett Road, although sidewalks were inadvertently left off the plans south of the south access drive to South Garnett Road. Pedestrian access is provided from the arterial street sidewalks to the interior pedestrian circulation system.

Proposed lighting per the lighting plan appears to conform to development standards and the zoning code; however, compliance must be verified by application of the Kennebunkport Formula.

Therefore, staff recommends **APPROVAL** of Z-6054-SP-6 subject to verification lighting complies with the zoning code and PUD standards per application of the Kennebunkport Formula; and continuation of sidewalks south of the south access drive to South Garnett Road.

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

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with staff's recommendation except that the Explorer Pipeline easement amendment is not in the staff recommendation. The condition that City Council imposed should read that 35% of easement shall remain as green space devoid of trees to allow observation of easement by easement holder. Mr. Norman requested that this be a part of the record.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTEES**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the corridor detail site plan for Z-6054-SP-6 per staff recommendation and noting the City Council condition as follows: 35% of easement shall remain as green space devoid of trees to allow observation of easement by easement holder.

\*\*\*\*\*

**OTHER BUSINESS:**

**Application No.:** PUD-709

**DETAIL SITE PLAN/LANDSCAPE PLAN**

**Applicant:** Tanner Consulting, LLC (PD-26) (CD-8)

**Location:** South Haven Avenue and South Oswego Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for two gated entries and detail landscape plan of the perimeter walls associated with the gated entries. The proposed gates are permitted per the development standards of PUD 709.

Both the Fire Marshall and Traffic Engineer have reviewed and approved the gated entries. The proposed perimeter walls and associated landscaping do not encroach in any public right-of-way. Therefore, staff recommends **APPROVAL** of PUD 709 detail site and landscape plan as proposed.

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

Applicant was not present.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTEES**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the detail site plan and landscape plan for PUD-709 per staff recommendation.

\*\*\*\*\*

**Consider motion and enter executive session:**

Pursuant to Title 25 Oklahoma Statutes, Section 307.B.4, to discuss pending litigation styled, "in the Matter of the Appeal of Utica Place, L.L.C., from a decision of the Tulsa Metropolitan Area Planning Commission, conditioning approval of a preliminary plat upon compliance with Subdivision Regulations, requiring a sidewalk along Utica Avenue," Tulsa County District Court Case Number CJ-2005-5878, upon advice of its attorney and a determination that disclosure will seriously impair the ability of the Planning Commission to process this litigation.

**TMAPC Action; 6 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **ENTER** executive session.

**TMAPC Action; 6 members present:**

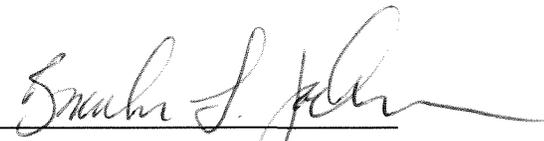
On **MOTION** of **CANTEES**, TMAPC voted 6-0-0 (Ard, Bayles, Bernard, Cantees, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **EXIT** executive session.

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There being no further business, the Chair declared the meeting adjourned at 7:34 p.m.

Date Approved: 7/6/06  


Chairman

ATTEST:   
Secretary