

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2466

Wednesday, December 20, 2006, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Carnes	Alberty	Ackermann, Legal
Bayles	Collins	Chronister	
Cantees		Fernandez	
Cantrell		Huntsinger	
Harmon		Matthews	
Midget			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 14, 2006 at 3:05 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 Ard called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of October 25, 2006 Meeting No. 2462

On **MOTION** of **HARMON**, the TMAPC voted 6-0-1 (Ard, Cantees, Cantrell, Harmon, Shivel, Wofford "aye"; no "nays"; Bayles "abstaining"; Carnes, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of October 25, 2006, Meeting No. 2462.

Minutes:

Approval of the minutes of November 1, 2006 Meeting No. 2463

On **MOTION** of **HARMON**, the TMAPC voted 6-0-1 (Ard, Cantees, Cantrell, Harmon, Shivel, Wofford "aye"; no "nays"; Bayles "abstaining"; Carnes, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of November 1, 2006, Meeting No. 2463.

REPORTS:

Chairman's Report:

Mr. Ard reported that the Planning Commission had a worksession prior to this meeting at the INCOG offices, which was mainly a training session for the Planning Commissioners.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the TMAPC receipts for November 2006.

Mr. Ard announced that Mr. Harmon had a report to make.

Mr. Harmon reported on the Nominating Committee. The following are the candidates for 2007 Officers of the Planning Commission: Chair, Chip Ard; 1st Vice Chair, Gail Carnes; 2nd Vice Chair, Wesley Harmon; Secretary, Michelle Cantrell. These will be voted on during the first meeting in 2007.

Mr. Midget in at 1:34 p.m.

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

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-20026 – Steve Novick, attorney for Maurice Powell (9307) (PD 4) (CD 4)
1506 East 15th Street South

STAFF RECOMMENDATION:

The applicant has applied to split a 70' wide tract into a 24.6' and a 45.4' parcel. An existing structure spans the proposed split line, resulting in splitting the building as well as the property. East 15th Street in this area is reflected as an Urban Arterial on the Major Street and Highway Plan (MSHP), requiring 70' of right-of-way, 35' on either side of the centerline of the street. Currently, 30' of right-of-way has been given to the City of Tulsa, and the applicant is asking for a waiver of the Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given in accordance with the MSHP for the additional five feet.

The property is zoned CH, having zero setback requirements. Public Works' comments regarding fire code requirements are:

For the subject property, since the lot-split creates zero-lot line conditions for either building, they must each be considered built with a party wall, which, in fact, is a fire wall. The fire wall in code terms separates two different adjacent buildings. The code requires the fire wall to possess sufficient structural integrity to stand up to its performance requirement. This will usually require a structural engineer to sign-off on that structural capability.

On October 24, 2006, the City of Tulsa Board of Adjustment granted a variance of the parking requirements for retail business and an art gallery (Use Units 13 and 14). However, in visiting the site, proposed Tract 2 is being used as a coffee shop (Use Unit 12) advertising lunch and also with outdoor seating. Development Services staff reports no permits for the structures. Use Unit 13 requires one parking space per 225 square feet of floor area while Use Unit 12 requires one parking space per 100 square feet of floor area.

On November 16, 2006, the Technical Advisory Committee (TAC) recommended that the request for the waiver of the street right-of-way be denied, and indicated that with the dedication of the additional five feet of right-of-way, a license agreement would be required for all structures (including the outdoor patio with seating and advertising signs) located within that five feet. A sanitary sewer mainline is also required to be extended to the property.

Considering the parking space requirements, the fire code requirements, the sanitary sewer line extension requirements and TAC's recommendation, staff recommends **DENIAL** of the waiver of Subdivision Regulations for five feet of required right-of-way, and **DENIAL** of the lot-split.

TMAPC COMMENTS:

Mr. Ard asked staff if the Fire Marshal has signed off on this and provided staff a letter. In response, Ms. Chronister stated that they have not received anything at this time.

In response to Mr. Ard, Ms. Chronister stated that each tract has to have its own sewer line.

Ms. Cantrell stated that whether there is a lot-split or not, the parking will be an issue and she is not sure that the parking would have any relevance to the lot-split. In response, Ms. Chronister stated that when a lot-split is requested, the zoning of the subject property determines the requirements that each tract has to meet. In order to get the lot-split approval they have to meet the zoning requirements and the use of the property. The applicant has to stay in compliance with the zoning and the Subdivision Regulations. Ms. Cantrell asked

if the subject property is in compliance now. In response, Ms. Chronister stated that they are not in compliance at this time. Ms. Chronister further stated that originally they requested an art gallery and at some point it became a coffee shop. Ms. Cantrell asked if the coffee shop is maintained, whether there is a lot-split or not, they will need to request a variance for the parking. In response, Ms. Chronister answered affirmatively.

Applicant's Comments:

Steve Novick, 1717 South Cheyenne Avenue, Tulsa, OK 74119, stated that he is representing the owner of the subject property and the prospective owner of the property to be split. He further stated that his client is not attempting to split a single building, but rather these are two freestanding buildings that share a common wall. The common wall is brick and there had been a cutout through the brick for doorway, which has now been covered over. It was represented to him that the operation at 1502 was to be primarily retail.

Mr. Novick stated that if the lot-split is not approved, then the individual who is operating the coffee shop at 1502 can proceed with no variance request and no exception, because this is a permitted nonconforming with respect to parking. He acknowledged that perhaps someone should go back to the Board of Adjustment and amend the variance or special exception to include Use Unit 12. He commented that this is an issue for the BOA and perhaps Neighborhood Inspections, but not an issue for the Planning Commission.

Mr. Novick stated that there has not been an examination by the structural engineer for the fire wall. This would involve the expenditure of money and his client is hesitant to spend more money on the project unless he has some indication that it may be granted. He acknowledges that something to do with fire safety should be done before this is permitted. If this lot-split is not granted and the subject property remains vacant or rented for some other use, then there is a situation in which probably no action will be taken with respect to the wall.

Mr. Novick addressed the Subdivision Regulations, which require a dedication of right-of-way and the concrete patio that is currently existing was built before the lot-split application was submitted. Without the lot-split, the additional five-foot right-of-way would never have been required. There was nothing untoward about building the concrete patio with respect to the Subdivision Regulations. Mr. Novick submitted photographs of the subject property (Exhibit A-1) and commented that the concrete patio is aligned with the screening wall by Marquette School. His position is that to enforce an additional five-foot right-of-way along 15th Street is a purposeless exercise. There are no plans anywhere within the City to widen this street, except at the intersection of Utica and 15th where plans are already approved to create left-hand turn lanes in front of the existing banks. This widening will not extend past Troost Avenue. The south side of 15th Street can't be widened without going through the window booths of the restaurant, which is Bourbon Street Café down the street. There is very little

along the south side of 15th Street that doesn't encroach on what would be the additional five-foot right-of-way that the City now wants. Mr. Novick indicated that he attended the TAC meeting and it is true that they recommended denial of the waiver of the Subdivision Regulations, but there was no articulation of any rationale, justification or any reason for that. Mr. Novick stated that a rigid application or rule is being applied in an arbitrary and purposeless manner. This accomplishes nothing.

Mr. Shivel asked Mr. Novick if the concrete patio was built with a permit issued to do so. In response, Mr. Novick stated that he can't speak to that because he doesn't know. Mr. Novick further stated that he doesn't know if a permit was required. That would have been a matter for the individual who was doing the construction and that is not his client. Mr. Shivel stated that for a historical reference Mr. Novick is using the concrete patio and the property across the street as justification, and he wanted to make sure that it had been appropriately done. Mr. Novick responded that the only information he has on this is that in talking to the person who is not the owner, but the lessee of 1502, it was represented to him that everything was properly permitted, but today's case report suggests that this is not the case. Mr. Novick concluded that he can't answer the question.

Mr. Novick explained that in 1945 the west 70 feet of Lots 15 and 16 was split off to create the properties that are under application today (1502 and 1506). These subject properties were cut off from the main sewer line in 1945 when they were split. Mr. Novick indicated that he did speak with Paul Zachary in Public Works regarding this issue. Mr. Novick stated that Mr. Zachary made no commitments, but did indicate that if the applicant could secure a mutual access and maintenance agreement with the owner of the east 80 feet that Public Works may be satisfied. Mr. Novick indicated that this hasn't been obtained at this point.

Mr. Novick concluded that the parking, fire wall, Subdivision Regulations and sewer are the four issues that raised their heads for this lot-split. At this juncture his client has already invested a lot of money in this and he would like to see it happen, but there is a point of diminishing returns. If the Planning Commission is inclined to deny this lot-split today, then the consequences would be that in the heart of one of Tulsa's thriving vintage business districts, there is very likely to be empty and deteriorating space. He requested that the Planning Commission waive the Subdivision Regulations regarding the five-foot right-of-way and continue final consideration of the lot-split application until he can produce the engineering report on the common wall and a mutual access and maintenance agreement for the sewer line that runs across private property.

TMAPC COMMENTS:

Mr. Midget asked Mr. Novick if he is trying to obtain the mutual access agreement for the sewer line. In response, Mr. Novick stated that he has not had an opportunity to discuss this with the property owner of the east 80 feet.

Mr. Midget asked Legal if the Planning Commission could grant a conditioned approval of the lot-split contingent upon the engineering report and the mutual access agreement.

Mr. Ackermann stated that he doesn't believe the applicant is asking for an approval of the lot-split, but is asking for approval of the waiver of the Subdivision Regulations. Mr. Novick stated that what he is asking for is for the Planning Commission to approve the waiver of the Subdivision Regulations regarding the five-foot right-of-way and a continuance on the lot-split decision until he has had a reasonable opportunity to deal with the issue of the sewer connection and the common wall.

Mr. Novick stated that one other alternative is to continue the entire application for two or four weeks. This would give him the opportunity to tie up all these issues.

In response to Mr. Ard, Mr. Ackermann stated that it would be best to keep the entire application together and not do partial approvals.

Ms. Bayles asked Mr. Novick if he knows who the owner was or if they were the entity who made application before the Board of Adjustment for Use Units 13 and 14 rather than 12. Ms. Bayles asked Mr. Novick if Mr. Powell made the application before the Board of Adjustment. In response, Mr. Novick stated that Mr. Powell did make the application before the BOA. In response, Ms. Bayles stated that she believes Mr. Powell clearly understood what the requirements were under those specific Use Units and while she agrees with Mr. Midget regarding promoting infill development, there is a distinction of appropriateness. This is clearly a vintage district and it is an eclectic mix of both restaurants and commercial resources, but given the fact that the type and amount of traffic that will come to play with a Use Unit 12 is decidedly different from Use Units 13 and 14. Ms. Bayles indicated that she has a problem right now, knowing that the type and number of parking spaces that will ultimately be required are going to bleed over into either Christ the King or into Qudoba and across the street north of 15th or south into Cherry Street. This is a high-intensity use that will bring additional traffic, and a variance is a condition that more appropriately belongs in the BOA. Ms. Bayles indicated that she clearly has issues with that today. Ms. Bayles commented that she would be inclined to vote for a denial at this point, unless further actions and information come before this board. Money is not a consideration where public safety is concerned.

Mr. Novick stated that he did not know when the lot-split application was filed, what had transpired regarding the actual use of the subject property. He doesn't disagree with any of the principles that Ms. Bayles is talking about in terms of intensity of use, but only wishes to point out that if nothing is done today, the existing business will continue because it is a permitted nonconforming use right now. The parking is a non-issue unless there is a lot-split.

Mr. Alberty cited the Board of Adjustment cutoff dates and meeting dates. Mr. Alberty stated that he would like to clarify one of the statements in regard to this permitted coffee shop. The application for a permit was issued on retail sales and with what has actually taken place, there is in violation of the permit. Technically, the use is illegal and could be shut down by the City of Tulsa at any time. It is not a legal nonconforming use.

In response to Ms. Cantees, Darryl French, Traffic Engineering, 707 South Houston, Suite 505, representing the Technical Advisory Committee, stated that the recommendations would have been the same regardless of the actual use. TAC is looking at the technical needs for future planning: The question of whether the road would be widened, good planning principles, what the desire of the business community around Cherry Street is, pedestrian orientation and that five or six feet is very minimal to accommodate that and good planning. This Board, Public Works and Traffic Engineering sat down six or seven years ago and carefully evaluated that it once was a secondary arterial requiring 50 feet of right-of-way on either side, and with much deliberation it was finally determined that the new urban arterial cross-section contemplated 35-foot of right-of-way. This may be the first application in this half-mile, but this board has had to deal with that issue in quite a few different half-miles and mile sections of arterials. The standards have been reduced that were once in effect. The City is currently in discussion with the Cherry Street Business Association about streetscape in that area. It would be difficult to do a streetscape within 30 feet of right-of-way. Mr. French concluded that the recommendation was based on the Major Street and Highway Plan.

Ms. Cantrell stated that she wouldn't like to see Cherry Street widened, but the streetscape issues and widening sidewalks are important. She encouraged Mr. Novick to get an answer about the licensing agreement, but she is not sure she is willing to waive the Subdivision Regulations.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **CONTINUE** lot-split for waiver of Subdivision Regulations for L-20026 to February 21, 2007.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-20041 – White Surveying Co. (9234) (PD 8) (CD 2)

5305 South 24th West Avenue

L-20044 – Terence Brennan (0430) (PD 16) (CD 6)

11015 East Pine

L-20045 – Thomas Firestone (1316) (County)

9920 North Yale

L-20049 – Mike Marrara (7212) (County)

West of southwest corner of East 131st Street South and Peoria

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON** the TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining" Carnes, Collins "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-35 – Frank A. Brown (0306) (County)

6216 North Wheeling

LC- 36 – Kasandra Kernal (0224) (PD 25) (CD 1)

612 East 30th Street North

LC-38 – Earl E. Tottress (0319) (PD 2) (CD 3)

1826 East 29th Street North

LC-39 – Ella Stokes (0319) (PD 2) (CD 3)

2644 North Rockford

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON** the TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

Mr. Ard announced that Item 11, Z-7041 has been withdrawn.

SIDEWALK WAIVERS:

Mingo Crossing – (2325) (County)

North of northwest corner of East 136th Street North and 97th East Avenue
(Mingo Road)

STAFF RECOMMENDATION:

Staff requests a reconsideration of the sidewalk waiver requested by the developer for the Mingo Crossing Plat. The waiver was denied on August 16, 2006 by TMAPC.

Since the waiver was denied, there has been discussion about sidewalk requirements for the growth area of Tulsa County. The County Commissioners and TMAPC approved a new policy guideline for Tulsa County.

Staff recommends **APPROVAL** of the waiver to the sidewalk requirement per the newly-adopted policy.

Proposed Policy for Sidewalks in the unincorporated area of Tulsa County:

Arterial Roadways – Sidewalks will not be required to be built by a developer unless the County Engineer determines that a sufficient use or activity “generator”, “attraction” or “major activity center” necessitates that sidewalks be built at the time of development of a particular subdivision. The County will construct the sidewalks along arterial roadways when appropriate and the need exists.

Residential Subdivisions – Sidewalks will be required in RS zoned residential subdivisions. Generally, subdivisions zoned RE, AG-R, or AG and rural in nature or with no curb or gutter requirement will not be required to construct sidewalks in the development. The County Engineer has the option to require sidewalks in

the RE, AG-R or AG zoned developments if there are curb and gutter requirements or special “generator” activities that would warrant sidewalks.

Industrial Subdivisions – Industrial Parks or Subdivisions not containing commercial, office, retail mixed uses or “generators” of activities which would encourage pedestrian activity or safe passage of pedestrians as they travel to a nearby use will not be required to install sidewalks. The County Engineer has the option to require sidewalks in industrial areas if certain activities or “generators” warrants sidewalks.

Commercial and Office Subdivisions – Sidewalks will be required for these types of developments.

Generator Uses – these would include but not be limited to schools, churches, club houses and swimming pools in subdivisions, tennis courts, parks, mixed use developments, retail establishments, public facilities, trail systems, eating establishments and major activity centers.

Sidewalks will generally be constructed from concrete and be a minimum of four (4) feet in width and four (4) inches in thickness unless otherwise specified and approved by Tulsa County.

TMAPC COMMENTS:

In response to Mr. Harmon, Mrs. Fernandez stated that the proposed lots are half-acre lots. The subject property is zoned RE and there will be at least half-acre lots. Under the policy, sidewalks would be required on RS-zoned residential subdivisions, but generally anything RE, AG-R, or AG in a rural setting would not require sidewalks. Mr. Harmon stated that the new policy doesn't state that it wouldn't be required, but that sidewalks could be waived. In response, Mrs. Fernandez stated that Mr. Harmon is correct and that is why this application is before the Planning Commission today (to determine if the sidewalks should be waived).

Mr. Harmon stated that he understands that the Planning Commission approved the policy, but he did have reservations about it, and now he can see it is going to be used immediately. Areas that are developing outside of the City will be developed without sidewalks and then they will want to come into the City and they will still not want to have to put in sidewalks. This policy is a concern to him. He asked staff if the County Engineer recommended no requirement for sidewalks. In response, Mrs. Fernandez answered affirmatively.

Applicant's Comments:

Robby Neese, 3300 Heritage Drive, Claremore, Oklahoma 74017, requested that the new policy that has been approved be applied to his subdivision.

TMAPC COMMENTS:

Ms. Cantees asked if this would be subject to the sidewalk waiver fees. In response, Mr. Alberty stated that nothing has been established for the County regarding fees in lieu.

Mr. Harmon stated that the policy addresses traffic generators as if it has to be an arena or a theater of some kind, but to him a traffic generator is a home on every one of the lots. By its very nature the subdivision develops as a traffic generator.

Ms. Cantrell stated that she agrees with Mr. Harmon and she was uncomfortable with the new policy to begin with. Sidewalks are put in residential areas for the purpose of children, people who have physical limitations, etc. There will be a lot of subdivisions without sidewalks.

Mr. Midget asked staff what would happen if the Planning Commission requires that sidewalks be constructed. In response, Mr. Alberty stated that the Planning Commission actually has authority over the Subdivision Regulations; however, the Planning Commission is a creature of the County Commission and the City Council. The County Commission has adopted a different policy from what the City of Tulsa has with regards to sidewalk development. There are physical differences with regards to borrow ditches, maintenance of County-owned property, etc. The Subdivision Regulations do not distinguish between City and County developments and that is what precipitated this request and policy by the County.

Mr. Alberty indicated that the County will provide and construct the arterial sidewalks. If the sidewalks for the subdivision are waived they are waived indefinitely.

Mr. Harmon stated that he was afraid this policy would be used in a way that the Planning Commission didn't intend it to be used. The Planning Commission never really intended subdivisions to not have sidewalks.

Mr. Wofford moved to accept the recommendation per the County Engineer.

No second.

Motion denied and sidewalk waiver was not granted.

Mr. Midget moved to deny the waiver of the sidewalks and require that sidewalks be constructed in the subject subdivision. Sidewalks are important to subdivisions, particularly new subdivisions. People need to look at sidewalks and make the community more pedestrian oriented.

Ms. Bayles seconded Mr. Midget's motion.

Applicant's Comments:

Brent Dake, 3202 Park Court, Claremore, Oklahoma 74017, stated that if it weren't for his subdivision, there would never have been a new policy in place to begin with. This new sidewalk policy was generated when he was required to put sidewalks in back in August. He indicated that he brought to light some issues that generated this new policy. The policy is that the Planning Commission would leave the sidewalk requirement decision up to the County Engineer, based on the area where the subdivision is located. The approval was made in July or August when the County Engineer wrote a letter to the Planning Commission stating that no sidewalks would be required. Mr. Dake explained that he understood the Planning Commission would take the recommendation of the County Engineer whether the sidewalk should be waived, which the County Engineer determined it should.

Mr. Neese read the policy, which was approved at the Board of County Commission. He commented that Mr. Ray Jordan indicated that this policy would be applied toward the subject project. Based on all this, he has started the project and built the roads and is in the process of putting in the water and gas lines.

Mr. Ard stated that he understands the applicant's position, but as a group the Planning Commission has a strong feeling about sidewalks in new residential developments. The Planning Commission's concern is that if this is the precedent of waiving sidewalks along this road, in the future it will be a problem when this is annexed into the City of Tulsa. The City of Tulsa is already running into these problems in other parts of the City. Mr. Ard commented that the County Commission could throw out this requirement since the Planning Commission is only a recommending body.

Mr. Neese asked Mr. Alberty if the BOCC could throw out this requirement, because has been down this road before.

Mr. Alberty stated that the authority to waive the requirement is entirely with the Planning Commission. When the plans are submitted for approval the County Engineer may exercise his authority and not require the sidewalks. The Planning Commission has the authority to grant waivers of the Subdivision Regulations.

Mr. Alberty explained that the Planning Commission has the authority to approve plats; the City's and the County's roles are to accept the easements and right-of-way in the form. They do not have authority with regards to approval.

Mr. Ackermann stated that he would agree with Mr. Alberty and he believes that the Planning Commission is really dealing with what is its duty under the Subdivision Regulations. The material presented today with what the County Engineer can do is really a policy of the County and not necessarily applicable to

this Planning Commission. The Planning Commission has to look at the regulations. If the County Engineer or County Commissioners decide to do something during a review for a permit, then that is their prerogative.

Mr. Wofford stated that the applicants have gone through the process and done things that they thought they needed to do to have a legal development. He explained that he is not in favor of not having sidewalks, but he believes the Planning Commission has to look at the situation. These gentlemen have done everything that they can do and it should be taken into consideration on this particular project.

In response to the applicants, Mr. Ard stated that he doesn't want to get into a debate about the policy. The policy is not absolute and the Planning Commission should take some guidance from the County Engineer, who does give the Planning Commission some direction, but the policy also leaves the Planning Commission some discretion.

Mr. Ard stated that he agrees with Mr. Wofford in this case. There is a policy for the unincorporated areas and this is zoned RE. In his opinion, this subdivision agrees with that terminology. The waiver should be granted.

Mr. Midget stated that he can appreciate those comments, but he would like to make sure he understands. He believes that neighborhoods are generators.

After a lengthy discussion regarding policy, consistency and what constitutes a generator, Mr. Midget moved to deny the waiver of sidewalks.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **5-3-0** (Bayles, Cantees, Cantrell, Harmon, Midget, "aye"; Ard, Shivel, Wofford "nays"; none "abstaining"; Carnes, Collins "absent") to **DENY** the sidewalk waiver for Mingo Crossing.

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Ms. Bayles out at 2:50 p.m.

Tulsa Raceway Park – (0420)
3101 North Garnett Road

(PD-16) (CD-6)

STAFF RECOMMENDATION:

The applicant is requesting a waiver of the sidewalk requirement for the Tulsa Raceway Park plat. The preliminary plat was approved by the TMAPC at the November 15, 2006 meeting.

Planning staff recommends denial of the sidewalk waiver. The Warren Cat subdivision and the Greenhill Distribution subdivisions to the north have been required to put in sidewalks.

Mr. Midget out at 2:53 p.m.

Applicant's Comments:

Jack Cox, 7935 East 57th Street South, 74145, representing Mr. Guterman, submitted photographs (Exhibit B-1) and stated that all of the property to the left, adjacent to Garnett Road, is in the floodplain and doesn't lend itself for sidewalks. There is no room along the shoulder of Garnett to install a sidewalk. If the sidewalk were installed 50 feet off of the centerline of pavement, it would be lower than the existing pavement and normally the sidewalk would slope toward the street. When the street is widened the sidewalk would be destroyed and if there is a sidewalk built today, he asked where the traffic comes from to utilize the sidewalk since this is an industrial area. Mr. Cox commented that his client would have to put out a large amount of money for a facility that wouldn't be used.

Dan Guterman, 5808 South Evanston Court, 74105, manager of Tulsa Raceway Park, LLC, stated that the facility will be hosting a nationally-televised event and have to budget a considerable amount of money to do some upgrades on the subject property. There will be a new concession stand and the approximately \$75,000.00 return will generate sales tax and increase the property taxes. He indicated that there will be a new storage building and several other improvements to the subject property. Mr. Guterman stated that the sidewalk would cost \$92,000.00 and it would connect to nothing on either side. Mr. Guterman cited the surrounding properties that do not have sidewalks and generate no foot traffic. There is nothing within the two-mile stretch that has a sidewalk. It is not in the budget to build a sidewalk and the improvements that he listed are necessary before Memorial Day of next year.

TMAPC COMMENTS:

Mr. Harmon stated that the Planning Commission has often heard the comment that the sidewalk goes from nowhere to nowhere, but as property is developed, then nowhere suddenly becomes somewhere and then a sidewalk is needed.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-1-0** (Ard, Cantees, Cantrell, Harmon, Wofford "aye"; Shivel "nays"; none "abstaining"; Bayles, Carnes, Collins, Midget "absent") to **DENY** the sidewalk waiver for Tulsa Raceway Park.

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FINAL PLAT:

Lewis 53 Office Park North – (3293)

(PD 18) (CD 9)

Northeast corner of South Lewis Avenue and East 53rd Street South

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 1.09 acres.

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Midget "absent") to **APPROVE** the final plat for Lewis 53 Office Park North per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 16, Block 1, 101 Yale Village – (8327)

(PD 26) (CD 8)

South of East 101st Street South, east of South Yale Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Yale Avenue. The proposal is to add a 40-foot limited access on Yale Avenue and remove an existing 20-foot access at the north end of the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Midget "absent") to **APPROVE** the change of access on recorded plat for Lot 16, Block 1, 101 Yale Village per staff recommendation.

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Mr. Midget in at 2:57 p.m.

CONTINUED ZONING PUBLIC HEARING:

Mr. Harmon reported that he has had ex parte communication with Mr. Baker and he will be participating in the discussion and decision.

Application No.: Z-7043

RS-3 TO OL

Applicant: Amos Baker

(PD-18) (CD-7)

Location: West of northwest corner of East 61st and South 89th Avenue

STAFF RECOMMENDATION:

PUD-390-B March 2003: All concurred in approval of a major amendment to PUD to allow a Barber and Beauty shop and to amend the development standards for Development Area B on a 1.15+ acre tract located on the northeast corner of East 61st Street and South 89th East Avenue.

PUD-390-A January 2002: All concurred in approval of a major amendment to the PUD to allow a drive-through bank with the underlying OL zoning.

PUD-112-A November 2001: A major amendment was approved unanimously to allow addition of a private school offering compulsory education curriculum (Use Unit 5) on property directly south of the subject property.

PUD-397-B August 2000: A major amendment was requested for PUD-397 on property located on the southeast corner of East 61st Street and South 90th East Avenue across East 61st Street from the subject tract. The amendment reallocated the development areas and permitted uses, allowing an existing banking facility on a portion of Development Area B, further expanding that development area for additional office use. Development D-1 was approved for multifamily use with office use as an alternative use. All concurred in approval of the major amendment subject to the conditions as recommended by staff.

Z-6653 September 10, 1998: All concurred in approval of a request for rezoning a tract of land east of the subject property and fronting on Mingo Road from RS-3 to IL.

Z-6652 September 10, 1998: All concurred in approval of a request to rezone a tract east of the subject property and fronting on Mingo Road from RS-3 to IL.

Z-6646 August 3, 1998: A request to rezone a tract east of the subject property and fronting on Mingo Road was rezoned from RS-3 to IL.

Z-6600 October 1997: All concurred in approval of a request to rezone a 1.8-acre tract located west of the northwest corner of East 61st Street South and South 92nd East Avenue and east of the subject tract, from AG to OL for church use.

PUD-397-A July 1997: All concurred in approval for a request for a major amendment on 1.6 acres of the original PUD-397 located on the southeast corner of East 61st Street South and South 90th East Avenue to permit a drive-in banking facility and an amendment to reallocate floor area within the PUD, subject to conditions.

Z-6493 August 24, 1995: A request to rezone property east of the subject property and fronting on Mingo Road was approved to rezone from RS-3 to IL.

Z-6423 December 9, 1993: All concurred in a request to rezone property east of the subject property and fronting on Mingo Road from RS-3 to IL.

Z-6049/PUD-397 March 1986: A request to rezone a 19-acre tract located on the southeast corner of East 61st Street and South 91st East Avenue from RS-3, RD and RM to RD, RM-1 and PUD. Approval was granted for RM-1 zoning with the PUD on the entire tract. Those uses allowed were office, mid-rise and low-rise multifamily, elderly housing and single-family residential uses.

Z-6016/PUD-390 March 1985: A request to rezone the subject property from RMT to OL was recommended for denial by staff and TMAPC and was referred back to TMAPC by the City Commission to allow the applicant an opportunity to file a PUD for a proposed one-story office building. All concurred in approval of the rezoning and PUD subject to conditions.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is slightly more than one acre in size and is located west of the northwest corner of East 61st Street South and South 89th East Avenue. The property is vacant, within a drainageway easement (all or in part) as dedicated within the Woodland View Park South subdivision plat, and is zoned RS-3. The subject property lies within the City of Tulsa regulatory floodplain. Communication from Public Works staff following the TMAPC

meeting at which this was continued indicates that “A pipe carrying the 100 year flow can be placed in this channel (or near the channel) and the drainage easement will be reduced in size to accommodate the pipe.”

STREETS:

Exist. Access	MSHP Design	MSHP RW	Exist. # Lanes
East 61 st Street	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by single-family and duplex residential uses, zoned RS-3; on the south by apartments, a school and offices, zoned PUD-112-A; and on the west by apartments and a shopping center, zoned CS. Farther east and fronting on Mingo Road are properties that have been rezoned from RS-3 to IL, beginning in 1993 through 1998.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested OL zoning is **not** in accord with the Comprehensive Plan. The property in question appears to be totally or in part within a drainage easement area and the City of Tulsa regulatory floodplain.

STAFF RECOMMENDATION:

The proposal is not in conformance with the Comprehensive Plan and the property may involve a drainage easement. It appears to be within a regulatory floodplain. Public Works officials have indicated that a pipe to carry all or part of the drainage flow can be put in the channel and the drainage easement reduced as a result. The applicant has indicated he would use the pipe drainage easement for parking if the rezoning is granted. If approved, this redevelopment would in effect rezone the rear portions of four existing lots (currently RS-3 zoned). Three of the four would have frontage on East 61st Street; use of the fourth lot may involve further official actions. The subdivision in which they are located has covenants restricting land uses to single-family residential and duplex use, and although the TMAPC has no jurisdiction over the covenants, that may be an issue in the future. For these reasons, staff cannot support the requested rezoning and recommends **DENIAL** of OL zoning for Z-7043.

TMAPC COMMENTS:

Mr. Harmon stated that in the event that the OL zoning was approved, that wouldn't affect the drainage situation, because it would still have to be addressed. In response, Ms. Matthews stated that the applicant would still have to meet the City's requirements.

Applicant's Comments:

Amos Baker, 8245 South College Place, 74137, representing John Crater, owner of Lots 8-11, which were originally developed as duplexes, stated that there might be a use for the excess property of these lots that front on 61st Street. The southerly portions of the subject lots were split and the lot-split is completed. Mr. Baker indicated that all of the relocations of utilities have been approved by the City of Tulsa, subject to a building permit. The subject property will have to be replatted and the drainage easement vacated, which will require a lawsuit. He requested the OL zoning because he believes it is the highest and best use for the subject property.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Baker what the applicant anticipates will be developed on the subject property. In response, Mr. Baker stated that OL will allow single-story office buildings up to 30% coverage on the property. The property is 52,000 SF and there will probably be 10,000 to 15,000 SF building for professional use.

Mr. Baker explained that his client did file a PUD because he isn't sure how the property would be used at this time. Mr. Baker stated that there is a creek that runs along the lot-split line and he intends to fully cover it and enclose the creek at the cost of about \$100,000.00. Mr. Baker explained that he has rerouted creeks before and the most noted one was for the Harvard Tower Building at 4815 South Harvard.

TMAPC COMMENTS:

Mr. Ard asked if the duplexes behind the subject property are renter- or owner-occupied. In response, Mr. Baker stated that they are all rental properties.

Mr. Ard stated that there is some conversation that a portion of these lots are within a designated 100-year flood zone. In response, Mr. Baker stated that there is a dedicated drainage easement on the original plat. He has talked with the City of Tulsa and they have agreed to reduce the size of the easement once the plans are completed to determine how much space is needed.

Mr. Ard asked Mr. Baker if any of the subject property is within a dedicated 100-year flood area. In response, Mr. Baker answered negatively.

Mr. Harmon stated that this is within his neighborhood and the subject property that has been split off is separate from the residential use. The lots face the opposite direction towards 60th Place. Mr. Harmon cited the various uses in the subject area. He commented that he can't ever imagine that the subject property would be developed as residential. The subject property does have a serious drainage problem, but that will be dealt with. OL zoning is appropriate for the subject property.

Mr. Ard concurred with Mr. Harmon.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins "absent") to recommend **APPROVAL** of the OL zoning for Z-7043.

Legal Description for Z-7043:

Part of Lots 8, 9, 10, and 11, Block 3, Woodland View Park South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at the northwesterly corner of said Lot 8; thence N 58°39'24" E along the northwesterly line thereof a distance of 12.77' to a point; thence S 54°02'05" E a distance of 439.38' to a point on the easterly line of said Lot 11; thence S 19°22'17" W along said easterly line a distance of 14.61' to the southeast corner of said Lot 11; thence S 89°59'40" W along the south line of Lots 11, 10 and 9 a distance of 361.26' to the southwest corner of said Lot 9; thence N 0°06'40" W along the east line of said Lots 9 and 8 a distance of 265.18' to the POB, the City of Tulsa, Tulsa County, State of Oklahoma, **From RS-3 (Residential Single Family High Density District) To OL (Office Low Intensity District).**

Application No.: Z-6054-SP-7

CORRIDOR SITE PLAN

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: East side of Mingo Valley Expressway between East 84th Place South and East 86th Street South

STAFF RECOMMENDATION:

Z-6989/PUD-716 August 2005: A request to rezone this property from CO to CS was withdrawn. All concurred in approval of a proposed Planned Unit Development on a 9.37± acre tract for a mixed use development including office, hotel/motel and mini-storage uses, on property located east of the southeast corner of East 81st Street and U.S. Highway 169 and northeast of subject property.

PUD-586-A/Z-5888-SP-4 January 2002: All concurred in approval of a proposed Major Amendment to PUD and Corridor Site Plan on a 23.4± acre tract to add Use Unit 21 for an outdoor advertising sign, on property located on the northeast corner of Mingo Valley Expressway and East 91st Street and abutting the subject property to the south.

PUD-569-A/Z-6054-SP-5 December 1999: All concurred in approval of a Major Amendment to PUD on a 10.4± acre tract to permit Use Unit 21 for an outdoor advertising sign on property located on the northwest corner of East 91st Street and South Garnett Road.

PUD-559-A/Z-5888-SP-3 May 1999: All concurred in approval of a proposed Planned Unit Development and Corridor Site Plan on a 58.4+ acre tract to permit Use Unit 21 for an outdoor advertising sign on property located on the northwest corner of East 91st Street and U.S. Highway 169.

PUD-586 June 1998: All concurred in approval of a proposed Planned Unit Development and Detail Corridor Site Plan for mixed-use development. The request was for the development of a medical complex, related offices and residential facilities and included an area of approximately 29 acres located at the intersection of East 91st Street South and South Garnett Road and abutting the subject property to the south.

PUD-569/Z-6054-SP-3 October 1997: All concurred in approval of a proposed Planned Unit Development and a Corridor Site Plan for a proposed residential, commercial and church development subject to conditions on property located on the southeast corner of East 81st Street and U.S. Highway 169, and abutting the subject property to the north.

PUD-559 October 1997: All concurred in approval of a Planned Unit Development for a hospital and related uses on property located north and east of the northeast corner of East 91st Street South and South Mingo Road on the west side of U. S. Highway 169.

BOA-12030 June 24, 1982: The Board of Adjustment approved a Special Exception to permit a school in an AG district with conditions that the applicant returns to the Board with building plans prior to the issuance of a building permit on property located and abutting the subject property to the west across U.S. Highway 169.

Z-6054 July 1985: All concurred in approval of CO zoning on a 137-acre tract that included the subject property and located in the southeast corner of East 81st Street and Mingo Valley Expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 16.34± acres in size and is located on the east side of Mingo Valley Expressway between East 84th Place South and East 86th Street South. The property appears to be vacant and is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 84 th Place	Residential	50'	two
East 85 th Place	Residential	50'	two
South 107 th Avenue	Residential	50'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by some vacant, and single-family residential, zoned CO; on the north by mostly vacant, some residential and a church, zoned CO/PUD-569-A; on the south by vacant land, zoned CO/PUD-586-A; and on the west by a school, zoned AG

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Corridor.

STAFF RECOMMENDATION:

Union School District is proposing to develop the subject sixteen acre site as a new elementary school. The site is located in a corridor district and is abutted on the north by single-family residential and vacant land owned by Hope Worship Center; on the east by single-family residential; on the south by vacant land owned by St. Francis Hospital/ Warren Medical and approved for various uses per PUD 586-A including residential; and on the west by U.S. Highway 169. Access to the site is from South 107th East Avenue, East 84th Place South and East 86th Street South, all public streets. The applicant is proposing to extend South 107th East Avenue from the north to connect to East 86th Street South at the southeast corner of the site. Right-of-way will extend to the south boundary as the street curves to connect with East 86th Street South such that future continuation of South 107th East Avenue through the adjoining tract to the south is possible.

The elementary building is planned at the northwest corner of the site with parking adjacent to the east. A future play area and parking lot are planned to the north, abutting the Hope Worship Center property and existing single-family residential. Buffering of the parking from the residential will be necessary. Future athletic fields are planned east of the proposed extension of South 107th East Avenue and south of East 84th Place South across from single-family residential. Lighting of the fields would not be appropriate at this time. No buildings are proposed east of the proposed extension of South 107th East Avenue.

Based on the following conditions, staff finds Z-6054-SP-7 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected

LANDSCAPE BUFFER AND SCREENING:

A minimum 15-foot landscape buffer and minimum six-foot high screening fence shall be required along the north boundary where parking abuts single-family residential. Landscaping shall include evergreen trees, minimum six feet in height and sufficient in number, as determined at detail site plan review, to provide adequate buffering and screening.

ACCESS AND PEDESTRIAN CIRCULATION:

South 107th East Avenue shall be continued through the site to connect to East 86th Street South. Right-of-way shall be dedicated to the south boundary of the site as depicted in Amended Exhibits 'A' and 'D' to allow for continuation of South 107th East Avenue. Access to the 'Future Parking' adjacent to the north boundary and on the west side of South 107th East Avenue shall be from East 84th Place South/ student drop off lane, only. No access to 'Future Parking' from South 107th East Avenue shall be permitted.

Sidewalks shall be provided along South 107th east Avenue, East 84th Place South and East 86th Street South. A "raised crosswalk" with a 10 foot minimum width shall be provided on South 107th East Avenue subject to the approval of the Traffic Engineer and three striped crosswalks shall be provided at the intersection of 107th East Avenue and 84th Place.

SIGNAGE:

- a) One (1) ground sign not to exceed 25 feet in height and 160 square feet of display surface area shall be permitted at the principal entrance to the elementary school. The sign shall be set back a minimum of 100 feet from a residential property line. No electronic message boards shall be permitted within 300 feet of a residential boundary.
- b) Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal feet of building wall to which attached.

LIGHTING:

Lighting standards within the property shall not exceed 25 feet in height and shall be hooded and directed downward and away from the property boundaries. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

No outdoor lighting of the athletic fields is permitted; provided that lighting may be allowed subject to TMAPC approval of a minor amendment of the corridor site plan.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level and no bulk trash containers shall be accessed directly from a public street.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of an occupancy 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 Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. 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.
7. No building permit shall be issued until the requirements of Section 805.E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the Corridor Site Plan conditions of approval and making the City beneficiary to said covenants that relate to Corridor Site plan conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

9. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments from 12/7/06:

General: The submitted "Environmental Analysis" has statements pertaining to 105th East Avenue which is no longer part of the proposed development. Related clarifications may be needed.

Water: The extension of a water main line will be needed.

Fire: No comment.

Stormwater: It appears that additional incursions into the existing offsite detention pond are being made. Easements and additional maintenance requirements will have to be addressed during the PFPI process.

Wastewater: Sanitary sewer is available.

Transportation: Right-of-way dedication will be required for extending South 107th East Avenue southward and for East 86th Street South extending to the west. In the applicant's submittal, Access and Circulation, Page 4, the last paragraph statements about sidewalks need updating to reflect conditions in this revised proposal of the development.

Traffic: Traffic Engineering has reviewed and approved the four-legged intersection. Recommend the 30-foot paving width to provide a parking lane along the west side of 107th East Avenue as shown on the proposed site plan for additional student pick-up. Recommend a Raised Crosswalk with a ten-foot minimum width subject to the approval of the Traffic Engineer and three striped crosswalks at the intersection of 107th East Avenue and 84th Place.

GIS: No comment.

County Engineer: No comment.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing Union School District, stated that he is in agreement with the staff recommendation. He indicated that he has no objection to coming back in the future with a detailed site plan that would indicate the landscaping around the area adjacent to the single-family home.

TMAPC COMMENTS:

Ms. Cantrell stated that the traffic flow on the site plan is going the wrong way. The arrows are in reverse. Mr. Norman made a note of the traffic flow arrows and will bring it to the attention of the engineering firm.

INTERESTED PARTIES:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing St. Francis Health System, stated that St. Francis owns approximately 137 acres that adjoins the south boundary of the subject property and extends south to 91st Street. The St. Francis property currently houses the Heart Hospital of St. Francis.

Mr. Johnsen indicated that his client is in support of the Union School District's plans to build a school. His client had a couple of concerns and felt that it should be on the record. There are approximately 25 acres immediately adjoining the half-section line, which would include the south boundary of the Union School District. Within that area the following are permitted: apartments (30 dwelling units per acre), nursing facilities, hospital-related type of care facilities and medical office buildings. He wanted this to be known and it is high density, which is expected in a corridor district. The second concern is whether or not St. Francis is being required to construct a collector street or provide right-of-way for a collector street. He wanted to make sure that nothing that the Union School District does triggers that requirement and that it would only be required if St. Francis should develop.

Mr. Ard stated that he believes Mr. Johnsen is safe in his assumption regarding the collector.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to recommend **APPROVAL** of the corridor site plan for Z-6054-SP-7 per staff recommendation.

Legal Description for Z-6054-SP-7:

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 18, T-18-N, R-14-E OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 89°01'17" WEST AND ALONG THE SOUTHERLY LINE OF SAID NE/4 FOR A DISTANCE OF 1050.03' TO THE TRUE POB; THENCE SOUTH 89°01'17" WEST AND ALONG THE SOUTHERLY LINE OF SAID NE/4 FOR A DISTANCE OF 1147.39' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 169; THENCE NORTH 11°23'21" WEST FOR A DISTANCE OF 157.91'; THENCE NORTH 02°16'48" WEST FOR DISTANCE OF 684.87'; THENCE NORTH 89°01'17" EAST FOR A DISTANCE OF 574.58'; THENCE SOUTH 01°16'37" EAST FOR 89.68'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25' AND A CENTRAL ANGLE OF 90° FOR A DISTANCE OF 39.27'; THENCE SOUTH 01°16'37" EAST FOR DISTANCE OF 50'; THENCE NORTH 88°43'23" EAST FOR DISTANCE OF 367.69'; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 25' AND A CENTRAL ANGLE OF 90° FOR A DISTANCE OF 39.27'; THENCE SOUTH 01°16'37" EAST FOR A DISTANCE OF 462.62'; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 120' AND A CENTRAL ANGLE OF 89°42'06" FOR A DISTANCE OF 187.87'; THENCE NORTH 89°01'17" EAST FOR A DISTANCE OF 175.85'; THENCE SOUTH

00°58'43" EAST FOR A DISTANCE OF 70' TO THE POB. For: **Union School District Elementary School No.13.**

ZONING PUBLIC HEARING

Application No.: Z-7046

RS-3 to IL

Applicant: William B. Jones

(PD-18) (CD-6)

Location: 9723 East 61st Street

STAFF RECOMMENDATION:

Z-7035: A request to rezone a 2+ acre tract from RS-3 to CS for retail, has been to the TMAPC on August 16, 2006 but has been continued several times and is set to be heard on March 21, 2007, on property located south of the southeast corner of South Mingo Road and East 61st Street. Staff has recommended denial for lack of 150' frontage requirement on Mingo Road and CS is not in accord with the District Plan.

Z-6995 September 2005: All concurred in approval of a request to rezone a 3.48+ acre tract from RS-3 to IL for a retail center on property located on southeast corner of East 59th Street South and South Mingo Road.

Z-6994 June 2005: A request to rezone one lot west of the northwest corner of East 61st Street South and South Mingo from OL to CS for computer service and sales was denied by the TMAPC recommending that the applicant consider developing a PUD proposal on the site.

Z-6840/PUD-656 November 2001: A request to rezone a 2.37+ acre tract from CO to IL/PUD on property located south of southeast corner of East 61st Street South and South Mingo Road for uses permitted by right and exception in an IL district excluding Use Unit 12A. Staff recommended denial of IL zoning and for the PUD but the TMAPC recommended approval per modifications. The City Council approved the rezoning and PUD per modifications.

Z-6783 October 2000: A request to rezone two lots located on the southeast corner of East 59th Street and South 99th East Avenue from RS-3 to IL or PK for parking was filed. IL zoning was denied and all concurred in approving PK zoning for the two lots.

Z-6672 February 1999: Approval was granted on a request to rezone a lot located north of the northwest corner of East 61st Street and South Mingo Road from OM to IL.

Z-6652 and Z-6653 September 1998: A request to rezone two lots, located north of the northwest corner of East 61st Street and South Mingo Road from RS-3 to IL. Both applications were approved.

Z-6646 August 1998: All concurred in approval to rezone a lot located south of the southwest corner of East 58th Street and South Mingo Road from RS-3 to IL.

Z-6512 December 1995: All concurred in approval of a request to rezone a lot from RS-3 to IL on property located east of the northeast corner of South Mingo Road and East 61st Street.

Z-6488 June 1995: All concurred in approval to rezone a lot from IL/RS-3 to CS located on the northeast corner of South Mingo Road and East 61st Street.

BOA-16999 April 11, 1995: The Board of Adjustment approved a Variance of the BOA condition of approval for a children's nursery (BOA-8658) to permit an existing sign identifying an existing day care center.

Z-6445 July 1994: All concurred in approval of a request to rezone a strip of property, 5' x 78', lying along the south boundary of an industrial tract located northeast of northeast corner of South Mingo Road and 61st Street South directly north of East 59th Street South, from RS-3 to IL to allow access to the industrial (IL) property. The strip was originally left RS-zoned to restrict access to the industrial property by use of a residential street. The Comprehensive Plan anticipates industrial growth in this area and the barricade from the residential street was eliminated.

Z-6410 September 1993: All concurred in approval of a request to rezone a tract located on the northeast corner of East 61st Street South and South 99th East Avenue from OL to IL.

Z-5950/PUD-368 June 1986: A request to rezone a 1± acre lot from OL to IL and a Planned Unit Development on property located on the northwest corner of East 61st Street and South 99th Avenue East and abutting the subject property to the east, was approved with an OL buffer to the west, north and east. The PUD approved Use Units 11, 12, 13 and 14 and excluding specific uses within.

Z-5449 October 1980: All concurred in approval a request to rezone a lot from RS-3 to IL on property abutting the subject property to the west.

BOA-8658 July 3, 1975: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 for a children's day care center in an RS-3 district to operate between the hours of 7 a.m. and 6 p.m. with no signs.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .89± acres in size and is located east of northeast corner South Mingo Road and East 61st Street. The property appears to be vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 61 st Street	Secondary arterial	100'	Four

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

SURROUNDING AREA: The subject tract is abutted on the east by some residential and office/commercial use, zoned RS-3/OL/IL/PUD-368; on the north by vacant land, zoned IL; on the south by a church, zoned RS-3; and on the west by industrial/office uses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 1 – Industrial Area. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the District Plan by virtue of its location within a Special District. Plan policies (Section 3.1.1) call for encouraging future industrial development in the area to locate here and for the provision of adequate utilities and transportation facilities.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-7046.

Applicant's Comments:

William B. Jones, 15 East 5th Street, Suite 3800, 74103, stated that the subject property has been in the Nigh family for over 30 years. This is a difficult tract of land, which is 90-foot wide and 431 feet deep. The subject property is in a special industrial district, which commends it to be in compliance with the Comprehensive Plan. From Mingo to US 169 on the north side of the street is developed either in industrial or high intensity commercial use. Originally the subject property was approved by the Board of Adjustment for a daycare center. The daycare center is unable to continue due to the change of the subject area. Mr. Jones cited the surrounding uses. His client wanted to establish the underlying IL zoning and return to the Planning Commission with a PUD or go before the Board of Adjustment once a user for the property is found. Mr. Jones concluded and requested the Planning Commission approve the IL zoning.

INTERESTED PARTIES:

Pat Kelley, 5928 S. 99th East Avenue, 74145, indicated that her house and her daughter's house are on the east side of the subject property. She expressed concerns about the utilities in the back yard. Ms. Kelley requested that there be a sturdy privacy fence installed to keep her daughter's dog and son safe. There were concerns expressed about water drainage and flooding.

TMAPC COMMENTS:

Mr. Ard explained the Planning Commission doesn't deal with stormwater issues and that will be addressed during the platting process. He assured Ms. Kelley that before any development could occur, the applicant would have to meet Stormwater Management's criteria and not move any additional water onto her property.

Mr. Ard assured Ms. Kelley that there will be building setbacks for easements, sewer lines and there will be a screening requirement. He encouraged Mr. and Mrs. Kelley to meet with Mr. Jones and the owner of the subject property to discuss their issues and concerns.

Ms. Matthews cited the screening requirements for IL zoning adjacent to residential properties.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to recommend **APPROVAL** of the IL zoning for Z-7046 per staff recommendation.

Legal Description for Z-7046:

The east 90' of the south 431' of the west half of Lot 4, Section 31, T-19-N, R-14-E of the Indian Base and Meridian, LESS the south 50' for the street, all in Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

Application No.: Z-7047/PUD-736

PK TO CS/PUD

Applicant: Charles E. Norman

(PD-18) (CD-7)

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

STAFF RECOMMENDATION FOR Z-7047:

PUD-186-A May 2002: All concurred in approval of a request to rezone at 2.97+ acre tract from RM-1 to CS and a proposed Major Amendment to PUD, on property located on the east side of South 85th East Avenue and south of East 66th Street South. The original PUD approved and restricted this property to a public library but the Major Amendment allows for retail and office uses.

BOA-17807 August 1997: The Board of Adjustment approved a variance of the frontage requirements within a CG and PK district in order to transfer ownership of parking lots from one owner to the other within the Mall development. The transfer of these tracts was required in order for Dillard's to meet their parking requirements due to the expansion of the store. The property is located west of and a part of the subject tract.

Z-6478/PUD-179-T March 1995: All concurred in approval of a request to rezone a 1+ acre tract from OL to CS and a proposed Major Amendment to PUD to allow Use Unit 19 to allow for a hotel use; to increase building height to 3 stories and to amend setbacks with a condition of no accessory bar use in permitted hotels and motels.

PUD-507 February 1994: All concurred to approve a request to rezone a 25.4 acre tract abutting the subject tract on the west and located south and east of the southeast corner of E. 71st Street S. and S. Memorial Drive from AG to CS/RM-1/PUD for a mixed use development.

PUD-235-A: All concurred in approval of a proposed Major Amendment to PUD on a 5+ acre tract of land for commercial uses excluding Use Unit 12A and dance halls on property abutting the subject property to the east and west of the northwest corner of South Mingo Road and East 71st Street.

Z-6340/PUD-479 February 1992: All concurred to approve a request to rezone a 5 acre tract located across E. 71st Street S. from the subject tract and southeast of Woodland Hills Mall, from PK and AG to CS on the south 330' fronting onto E. 71st Street S. and the balance to remain PK and AG.

PUD-179-0 December 1988: All concurred to approve a request for a major amendment to PUD-179 to allow a dry cleaning business on property located east of the southeast corner of 71st Street S. and S. Memorial.

Z-6166/PUD-179-0 August 1987: Staff recommended approval of CS zoning to a maximum depth of 330' from the centerline of E. 71st Street on a six acre tract located east of the southeast corner of E. 71st Street and S. Memorial Drive. This approval was subject to final approval of amendments to the Development Guidelines and District 18 Comprehensive Plan Map and Text what designated this area long E. 71st Street as a Medium Intensity Special Consideration Area.

BOA-13835 November 1985: The Board of Adjustment approved a variance of the required frontage on a public street to allow a lot-split. The anchor stores and the mall own the parking areas and the expansion of an anchor store precipitated additional parking. The requested lot-split was requested in order to balance the shared parking for all mall occupants. The property is located west of and a part of the subject tract.

PUD-179-I March 1982: All concurred to approve a major amendment creating six separate multifamily development areas for 102 acres of the original PUD and located south abutting the subject tract on the south. There is a minor amendment that amended Development areas C, D, and E from multi-family use to single-family use.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.57 acres in size and is located northwest of the northwest corner of South Mingo Road and East 71st Street. The property appears to be vacant and is zoned PK. The site may have been used for overflow parking in conjunction with the commercial uses nearby.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 71 st Street	Primary arterial	120'	Six (with turn-lane improvements)

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

SURROUNDING AREA: The subject tract is abutted on the east by commercial, zoned OL/PUD-235-A; on the north by vacant land, zoned PK; on the south by commercial use, zoned CS/PUD-479; and on the west Woodland Hills Mall and parking, zoned PK/CG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being included within the Special District 3 – Commercial Complex. According to the Zoning Matrix, the requested CS zoning **may be found** to be in accord with the District Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION:

Staff can support the requested rezoning, based on surrounding uses and continuing development in the area. The Special District designation also supports commercial development within the Special District. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7047, if the TMAPC deems the accompanying PUD-736 also appropriate for approval.

STAFF RECOMMENDATION FOR PUD-736:

The applicant is proposing a new commercial development on an interior lot adjacent to the Woodland Hills Mall Ring Road, a mutual access easement providing access to the mall from East 71st Street South with connection to Memorial Road. The new development is proposed in two areas: a retail center featuring two stand-alone restaurants with frontage on the ring road, and a Marriott Courtyard hotel on the back parcel.

Surrounding uses are commercial and parking accessory to commercial. The nearest residential area is the Burning Tree South residential subdivision, approximately 450 to the north.

Access to the retail area is proposed from the ring road and from a new east/west mutual access easement off-site and adjacent to the north boundary with connection to the ring road. Access to the hotel would be from the new east/west mutual access easement. No vehicular access is proposed between the proposed retail and hotel sites; however, pedestrian access would be provided. No access is proposed to adjacent development on Woodland Hills Mall Extended subdivision, on which Chili's Restaurant and Circuit City are located, or to Flynn Plaza subdivision, on which an existing retail center is located. Therefore, sole access to the new development at this time would be from the mall ring road.

Pedestrian circulation is fairly well addressed; however, sidewalks are recommended along the ring road as this is the logical pathway pedestrians would take for protected crossing of 71st Street South at the signalized intersection of East 71st Street South and the mall ring road. In addition, sidewalks adjacent to the new east/ west access easement should be extended to the east boundary.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the

following conditions, staff finds PUD 736 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 736 subject to the following conditions:

1. TMAPC and City Council approval of CS zoning per Z-7047.
2. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
3. Development Standards:

Development Area A:

NET LAND AREA: 4.42 AC 192,466 SF

MAXIMUM NUMBER OF LOTS: Three

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel and Motel uses only, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 84,966 SF

MAXIMUM HEIGHT:

Hotels and Offices 70 FT
Other Permitted Uses 45 FT

Architectural elements may exceed maximum building height with Detailed Site Plan approval.

MINIMUM BUILDING SETBACKS:

From the north boundary 30 FT
From the west boundary 65 FT
From the east boundary 5 FT
From the south boundary 20 FT

Internal lot side setbacks to be established by Detail Site Plan.

OFF-STREET PARKING

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

ACCESS:

Access to Development Area A shall be in substantial conformance with Exhibit 'A' – Concept Illustration. It is also recommended that mutual access be provided to the Woodland Hills Mall Extended subdivision abutting to the south.

Pedestrian access shall be in substantial conformance with Exhibit 'A' – Concept Illustration. In addition, sidewalks shall be provided from the north boundary to the south boundary adjacent to the Mall Ring Road.

LANDSCAPED AREA:

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

SIGNS:

1. Development Areas 'A' and 'B' combined shall be permitted one ground sign along the Mall Ring Road not to exceed 100 square feet of display surface area and 20 feet in height.
2. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

LIGHTING:

Exterior light standards for Development Area A shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

Development Area B:

NET LAND AREA:	3.16 AC	137,500 SF
MAXIMUM NUMBER OF LOTS:		One

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel and Motel uses only, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 80,000 SF

MAXIMUM HEIGHT:

Hotels and Offices	70 FT
Other permitted uses	45 FT

Architectural elements may exceed maximum building height with Detailed Site Plan approval.

OFF-STREET PARKING:

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

ACCESS:

Access to Development Area B shall be in substantial conformance with Exhibit 'A' – Concept Illustration. It is also recommended that mutual access be provided to the Woodland Hills Mall Extended subdivision abutting to the south or Flynn Plaza addition abutting on the east.

Pedestrian access shall be in substantial conformance with Exhibit 'A' – Concept Illustration. In addition, sidewalks adjacent to the east/ west mutual access shall be extended to the east property line.

MINIMUM BUILDING SETBACKS:

From the north boundary	30 FT
From the west boundary	5 FT
From the east boundary	20 FT
From the south boundary	20 FT

LANDSCAPED AREA:

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

SIGNS:

1. Development Areas 'A' and 'B' combined shall be permitted one ground sign along the Mall Ring Road not to exceed 100 square feet of display surface area and 20 feet in height.

2. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
3. One directional sign at the hotel entrance and exit with the hotel franchise logo not to exceed 12 square feet of display surface area and four feet in height shall be permitted.

LIGHTING:

Exterior light standards for Development Area A shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of an occupancy 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.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. 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 12/7/06:

General: The one story block structure identified on Exhibit 'D' which is part of the Circuit City building to the south appears to abut the proposed South lot line, forcing all utilities for the adjoining lot into easements north of the lot line. Discuss addressing.

Water: The extension of water mainline will be needed.

Fire: No comment.

Stormwater: Fees in lieu of detention are required for this site.

Wastewater: A mainline extension will be required to provide sanitary sewer service to Development Area B.

Transportation: Sidewalks should be included along mall ring road frontage, as well as along the eastern segment of the Access Easement along the North side. The proposed 30' Mutual Access Easement along the north is outside the north boundary lot lines as shown in Exhibits 'A' and 'D'.

Traffic: Recommend 26 ft as the minimum paving width of the E-W access easement due to bus access to the hotel.

GIS: No comment.

County Engineer: No comment.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the staff recommendation. He requested that the Planning Commission consider two aspects of the recommendation.

Mr. Norman stated that the ring road around Woodland Hills Mall is a private street and is not a publicly dedicated street. This application is motivated by the desire to construct a Marriott Hotel on the easternmost parcel and on the westernmost would be the typical retail development as shown on the concept site plan (Exhibit C-1). Staff is recommending that there be required sidewalks along the ring road frontage of Development Area A, which is where the commercial would be located. Mr. Norman indicated that he has discussed this

with Mr. Alberty and it is their mutual understanding that those sidewalks will be required only at the time that the second project is developed and not in connection with the development of the hotel. The hotel will be required to construct sidewalks along its northern boundary at the time of the development. The reason for the PUD is because none of the lots will have frontage on a public street.

Mr. Norman stated that the second issue relates to the frontage on the private road. Significant signage would be permitted for commercial development, but is only permitted if there is frontage on a public arterial street. The ring road serves as an arterial street for circulation and he is in agreement with the total signage that the staff is recommending. At some time when the rest of the property is developed, then additional signage may be necessary or desirable and if so, he would be required to go before the BOA for a waiver. It is his understanding that he can come back to the Planning Commission for a minor amendment, subject to approval by the BOA, of additional display surface area.

TMAPC COMMENTS:

Mr. Ard clarified that Mr. Norman isn't asking for any modifications to the signage today. In response, Mr. Norman answered affirmatively.

Mr. Ard clarified that staff is in agreement that the sidewalks required in front of the retail portion wouldn't be required until it is developed. In response, Mr. Alberty answered affirmatively.

Mr. Alberty stated that Mr. Norman is aware of the signage he is allowed and that can be divided and distributed however he desires. Should Phase II of the development require more signage, then Mr. Norman is aware that he will have to go before the BOA for a variance.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to recommend **APPROVAL** of the CS zoning for Z-7047 per staff recommendation and **APPROVAL** of PUD-736 per staff recommendation.

Legal Description for Z-7047/PUD-736:

A tract of land being a part of Lot 1, Block 1, WOODLAND HILLS MALL EXTENDED, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the plat thereof recorded as Plat No. 4049, and lying in the South Half of Section 1, Township 18 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: COMMENCING at the southeast corner of said Lot 1, Block 1, WOODLAND HILLS MALL EXTENDED; THENCE North 00° 05'52" East, along the east line of

said Lot 1, Block 1, a distance of 309.00 feet to the POINT OF BEGINNING; THENCE North 90° 00'00" West, parallel with the south line of said Lot 1, Block 1, a distance of 659.81 feet; THENCE North 00° 05'09" East, a distance of 500.00 feet; THENCE South 90° 00'00" East, parallel with the south line of said Lot 1, Block 1, a distance of 659.92 feet to a point on the east line of said Lot 1, Block 1; THENCE South 00° 05'52" West, along the said east line, a distance of 500.00 feet to the POINT OF BEGINNING. **From PK (Parking District) To CS (Commercial Shopping Center District).**

Application No.: PUD-431-C

MAJOR AMENDMENT

Applicant: Tulsa Engineering & Planning

(PD-26) (CD-8)

Location: Southwest corner of East 101st Street South and South Sheridan Road

STAFF RECOMMENDATION:

Z-6565/PUD-543 March 1996: All concurred in approval of a request to rezone a 14.6 acre tract located south of the southwest corner of East 101st Street and S. Sheridan, south of the subject property, from AG to RS-2/PUD for a single-family development.

PUD 431-B May 2002: All concurred in approval of a request to amend the PUD to allow convenience stores within Parcel C and to allow direct access to east 101st Street South from Parcel C.

PUD-431-A October 1993: All concurred in approval, subject to modifications, a request to amend the PUD in size, permitted uses, and development standards for Development areas A, B and C, which included the subject tract. The expanded uses that were approved through this major amendment included drug store, ice cream store, retail businesses and a dry cleaner.

PUD-431 September 1987: All concurred in approval of a request to rezone a 23.4 acre tract located in the southwest corner of East 101st Street and S. Sheridan and including the subject property, from CS, RM-1 and RS-3 to PUD.

PUD-339 November 1983: All concurred in approval of a proposed Planned Unit Development on a 10+ acre tract located on the northeast corner of East 101st Street and South Sheridan Road for commercial and elderly multifamily uses.

PUD-267 December 1981: All concurred in approval of a proposed Planned Unit Development on a 10+ acre tract located on the southeast corner of South Sheridan Road and East 101st Street and abutting the subject property to the east, for any uses permitted in a CS district except multi-family or any use that permit alcohol. There has been a minor amendment to this PUD to allow a car wash.

BOA-9182 August 19, 1976: The Board of Adjustment approved a Special Exception to permit a church use, subject to site plan being reviewed by the board prior to the issuance of building permits on property abutting south of subject.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.53+ acres in size and is located southwest of the southwest corner of East 101st Street South and South Sheridan Road. The property appears to be vacant and wooded, and is zoned RS-3/RM-1/PUD-431-A.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 101 st Street	Secondary Arterial	100"	2 lanes
South Sheridan Road	Secondary Arterial	100"	2 lanes

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

SURROUNDING AREA: The subject tract is abutted on the north by vacant, zoned RS-3/RM-1/PUD-431-A; to the west by vacant and residential land, zoned RS-3/PUD-431; to the east by small office/retail center, zoned RM-1/CS/PUD-431-A; to the south by a church, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low/Medium Intensity – No Specific Land Use.

STAFF RECOMMENDATION:

PUD-431 was approved in 1987 as a 23 acre, multi-use development located at the southwest corner of East 101st Street South and South Sheridan Road for residential, office and commercial uses. The commercial area was divided into four parcels, Parcels A-D. The PUD was then modified in 1993 per approval of PUD-431-A to amend the commercial development areas and to add certain uses, including pharmacies and drive-through restaurants. Subsequently, May's Drug Stores and Arby's Restaurant were built on the southwest corner of East 101st Street South and South Sheridan Road (Parcel A). In 2001 PUD-431-B was approved to allow a convenience store on Parcel C, fronting East 101st

Street South. The next year a Git-n-Go store was built on the site, but was later replaced by Louie's Restaurant in 2005. Parcel B, fronting Sheridan Road, has been developed for medical office use. In April of 2006, Parcel D was divided into three development areas (D-1, D-2 & D-3) and Reserve Areas B and C per PUD-431-A-7 (previously misfiled as PUD-431-B-3 in June of 2005) and was platted per the "South Tulsa Baptist Church Extended" subdivision plat.

PUD-431-C proposes to develop Parcel D-2 (Lot 3, Block 1) as an eight lot office park. The development would be accessed by mutual access easements from East 101st Street South and South Sheridan Road per the "South Tulsa Baptist Church Extended" Subdivision, Plat #6034. Although offices uses are anticipated, commercial uses are included per the original approvals of PUD 431 and PUD-431-A.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-431-C to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-431-C subject to the following conditions:

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

2. Development Standards:

NET LAND AREA: 2.5333 AC 110,350.54 SF

PERMITTED USES:

As permitted by right within a CS Shopping District, excluding dance hall, liquor stores, and uses included within Use Unit 12A.

MAXIMUM ALLOWABLE FLOOR AREA PER LOT: 0.39

MAXIMUM NUMBER OF LOTS: 8

MAXIMUM BUILDING HEIGHT: Two stories not to exceed 35 feet.

MINIMUM BUILDING SETBACKS:

From North boundary of Tract D-2 11 FT
From South boundary of Tract D-2 28.5 FT
From West boundary of Tract D-2 15 FT

From East boundary of Tract D-2
Commensurate with Restricted Waterline and Mutual Access Easements
of "South Tulsa Baptist Church Extended"

From interior lot lines 5 FT

From interior 26 FT MAE 20 FT, except along the west die of Lots 3 & 6
Block 1 and all of Lots 4 & 5 of Block 1, where
the setback will be 5 FT

ACCESS AND CIRCULATION:

Two access points to the subject tract exist by platted mutual access easements in "South Tulsa Baptist Church Extended", one from East 101st Street South and one from South Sheridan Road. Sidewalks shall be required along the mutual access easement and along both sides of the private interior street.

PARKING:

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

LIGHTING:

Exterior light shall not exceed 20 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SIGNAGE:

Each lot shall be allowed either one (1) ground sign or one (1) wall sign but not both, in accordance with the following guidelines:

- (a) Ground Signs: Ground signs shall be limited to one (1) sign per lot not to exceed eight feet in height and 32 feet of display surface area.
- (b) Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to one square foot per each lineal foot of building wall to which the sign or signs are affixed. No flashing or intermittently lighted signs are permitted and no wall or canopy signs are permitted on the west elevations of Lots 4 and 5.

LANDSCAPED AREA AND SCREENING:

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

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of an occupancy 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.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. 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.

Comments from 12/7/06 TAC:

General: No comment.

Water: The extension of water mainline will be needed.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) 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.

Exception: For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

Stormwater: Please clarify the maintenance responsibility that the lot owners of Copper Oaks Office Park may have, for the existing private stormwater detention facility this site drains to.

Wastewater: A mainline extension will be required to provide sanitary sewer service to all lots within the proposed development.

Transportation: Recommend sidewalks along all Mutual Access Easement frontages. Property lines at the intersections will require 25 ft radii on the three corners.

Traffic: No objection to the 24 ft curb-to-curb minimum width. Include the proposed construction standards for the private roadway in the Development Standards. Recommend that the N-S Mutual Access Easement be placed in a reserve and its ownership and maintenance be clarified.

GIS: No comment.

County Engineer: No comment.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to recommend **APPROVAL** of the major amendment for PUD-431-C per staff recommendation.

Legal Description for PUD-431-C:

Lot 3, Block 1, South Tulsa Baptist Church Extended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM RM-1/RS-3/PUD (Residential Multi-family Low Density District/ Residential Single-family High Density District /Planned Unit Development [PUD-431-A]) TO RM-1/RS-3/PUD (Residential Multi-family Low Density District/ Residential Single-family High Density District /Planned Unit Development [PUD-431-C]).**

* * * * *

Ms. Cantees out 3:34 p.m.

Application No.: PUD-541-8

MINOR AMENDMENT

Applicant: Elizabeth A. Geer

(PD-6) (CD-9)

Location: 1352 East 43rd Place

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-541 to reduce the rear setback from 20 feet to 17 feet for the purpose of constructing a single-family residence. Lot 1, Block 4 is a corner lot with asymmetrical boundaries. The proposed residential structure will meet setbacks from both East 43rd Place and from South Quaker Avenue. Because the proposed encroachment is three feet at the greatest and involves only a small portion of the building, and because the lot is irregular in shape, staff finds the proposed amendment to be minor in nature and not in conflict with the spirit and intent of PUD-541 or the PUD chapter of the zoning code. Therefore, staff recommends **APPROVAL** of PUD-541-8 as proposed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Carnes, Collins, "absent") to **APPROVE** the minor amendment for PUD-541-8 per staff recommendation.

Ms. Cantees in at 3:37 p.m.

OTHER BUSINESS:

Application No.: PUD-487

DETAIL SITE PLAN

Applicant: Sack & Associates, Inc.

(PD-25) (CD-1)

Location: 3124 North Peoria

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a parts sales building and crusher and fluid management facility as part of an existing auto salvage business. The proposed use, Use Unit 28, Junk and Salvage Yards, is in conformance with Development Standards of PUD-487.

The proposed parts sales building to be located in Development Area 'A' and the proposed crusher and fluid management facility to be located in Development Area 'B' conform to minimum setback and maximum floor area restrictions. The site is currently screened as required by development standards. Proposed/existing parking meets minimum requirements per the zoning code. No plans for building elevations (façade) have been submitted.

Per Section 1001.F of the zoning code landscaping is not required since the proposed new floor area contains less area than the floor area of existing buildings which remain on the lot after completion of the new construction. No new parking lot lighting is proposed.

Therefore, staff recommends **APPROVAL** of PUD-487 detail site plan subject to the provision of sidewalks along North Peoria and submittal of building elevation (façade) plans.

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

TMAPC COMMENTS:

Mr. Midget asked where the crusher and fluid management facility will be located. Ms. Matthews stated that the crusher will be located in the west and back portion of the lot. Mr. Sack stated that the fluid management facility will be some distance away from Peoria. He explained that he didn't bring the plans with him. Mr. Midget requested that Mr. Sack submit the plan to him so that he can get some relationship with this plan and the trail system that has recently been completed in the subject area. In response, Mr. Sack stated that he would send Mr. Midget the plans.

Ms. Cantrell pointed out that the packet agenda indicates the locations for the crusher and fluid management.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the detail site plan for PUD-487 per staff recommendation.

Application No.: PUD-722

DETAIL SITE PLAN

Applicant: Sisemore Weisz & Associates

(PD-2) (CD-1)

Location: Southwest corner of East Pine Street and North Owasso Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new YMCA facility. The proposed use, Use Unit 5, Community Services and Similar Uses, is in conformance with Development Standards of PUD-722.

The proposed building conforms to setback and height restrictions. Proposed parking and parking lot lighting comply with development standards and the Zoning Code. The site exceeds minimum landscaped area and street yard requirements.

Bus pull-out and sidewalks are provided per PUD development standards.

Therefore, staff recommends **APPROVAL** of PUD-722 detail site plan as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the detail site plan for PUD-722 per staff recommendation.

Application No.: PUD-729

DETAIL SITE PLAN

Applicant: Sisemore, Weisz & Associates

(PD-6) (CD-9)

Location: West of northwest corner of East 33rd Place South and South Peoria Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for three new two-story office buildings. The proposed use, Use Unit #11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-729.

The proposed buildings comply with building setback and height restrictions. Proposed parking is in compliance with development standards and the zoning code. The west boundary is screened in accord with development standards and the "Brookside Infill Development Design Recommendations – A Component of the Brookside Infill Neighborhood Detailed Implementation Plan, 'Exhibit 22', 'Cross Section Illustration – Screening, Buffer and Entry'. Proposed condensing units associated with each office building must be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level as required per development standards.

Proposed landscaping meets minimum lot area and street yard requirements. However, per development standards landscaping must also be at minimum in accordance with the original PUD-729 concept plan. Per this concept plan fourteen trees are indicated; six are proposed per the detail landscape plan.

Therefore, staff recommends **APPROVAL** of PUD-729 detail site plan subject to screening of the mechanical (condensing) units and provision of eight more trees.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the detail site plan for PUD-729, subject to screening of the mechanical (condensing) units and provision of eight more trees per staff recommendation.

Application No.: PUD-600-A

DETAIL SITE PLAN

Applicant: Courtney Withers

(PD-18) (CD-8)

Location: 9309 South Toledo

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-600-A.

The proposed office building complies with building setback, floor area and height restrictions. Parking and access drives comply with development standards and the zoning code. No parking lot or building mounted lighting (other than residential-style decorative lighting) is proposed. Proposed landscaping meets minimum lot area and street yard requirements per the zoning code and development standards. Proposed mechanical units (air conditioners) must be screened from persons standing at ground level per development standards.

Therefore, staff recommends **APPROVAL** of PUD-600-A detail site plan for Lot 5, Block 3 subject to screening of mechanical units as required per development standards.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the detail site plan for PUD-600-A for Lot 5, Block 3 subject to screening of mechanical units as required per development standards per staff recommendation.

Application No.: PUD-379

DETAIL SITE PLAN

Applicant: Architects Collective

(PD-18c) (CD-7)

Location: 6808 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for remodel of a shopping center. The proposed uses, those uses as permitted by right in a CS shopping district, are in conformance with Development Standards of PUD-379.

The applicant proposes to add parapets and towers to the fronts of existing buildings with associated façade lighting and adding two decorative towers in the parking lots. TMAPC approved a minor amendment (PUD-379-4) on December 6 which permitted architectural elements including towers, finials, needles and free-standing bell towers to exceed the maximum building height of any building within Lot 1, Block 1 which is more than 125 feet from the west boundary with TMAPC approval of the detail site plan.

Proposed building and tower lighting will be less than 25-foot candles measured at a two-foot distance as needed for the lighting to avoid being counted as signage per Section 218 of the zoning code. Although some parking would be removed to accommodate the proposed towers, additional parking is proposed in conjunction with parking improvements at the main entrance.

Staff finds the proposed improvements to be in keeping with the spirit and intent of PUD-379 as amended and recommends **APPROVAL** of PUD-379 detail site plan as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the detail site plan for PUD-379 per staff recommendation.

Refund for L-20047 – Ben Samuels

Located: 6336 East Tecumseh

(PD-3) (CD-3)

STAFF RECOMMENDATION:

The applicant decided not to have the lot-split at this time. The applicant has requested a refund.

Staff recommends a refund of \$100.00.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, "absent") to **APPROVE** the refund of \$100.00 for the withdrawn lot-split L-20047.

Commissioners' Comments:

Mr. Wofford commented on the length of time that applicants have to wait to hear other business. Usually the other business is non-contentious items and he asked if these cases could be moved up on the agenda.

After a lengthy discussion it was determined that the Planning Commission would try a consent agenda.

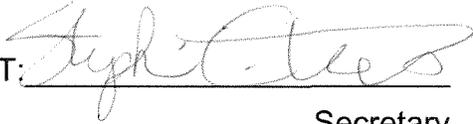
There being no further business, the Chair declared the meeting adjourned at 3:48 p.m.

Date Approved:

January 17, 2007


Chairman

ATTEST:



Secretary