

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2477

Wednesday, April 18, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	<i>Cantees (APA)*</i>	Alberty	Boulden, Legal
Carnes	<i>Cantrell (APA)*</i>	Chronister	
Harmon	McArtor	Fernandez	
Marshall	Miller	Huntsinger	
Midget		<i>Matthews (APA)*</i>	
Shivel		Tomlinson	

Wofford

**Planning Commissioners and staff attending the APA Conference in Philadelphia, Pennsylvania.*

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, April, 13, 2007 at 4:12 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 1:35 p.m.

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

REPORTS:

Chairman's Report:

Mr. Ard welcomed the two newest members of the Planning Commission: Mr. Philip Marshall and Mr. Keith McArtor, who should be here at any time.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the month of March 2007. The receipts are considerably higher than they were in 2006, 2005, 2004 and 2003.

Mr. Alberty reported that there are no zoning applications before the BOCC or the City Council agenda. The MSHP will be on the City Council agenda under the Mayor's Items tomorrow night.

Minutes:

Approval of the minutes of March 28, 2007, Meeting No. 2475

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the minutes of the meeting of March 28, 2007, Meeting No. 2475.

CONSENT AGENDA

- a. **169 Business Park- Final Plat** (8406) (PD 6) (CD 8)
East of South 101st East Avenue, South of East 61st
Street South

TMAPC COMMENTS:

The applicant is making changes to this plat, and therefore the final plat should be stricken from this agenda.

Strike Item a. – 169 Business Park – Final Plat.

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- b. **Scissortail at Wind River – Final Plat** (8333) (PD 26) (CD 8)
East of Delaware at East 118th Street South

STAFF RECOMMENDATION:

This plat consists of 68 lots in six blocks on 23.3 acres.

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

- c. **L-20073** – Chris Heroux (9326)/**Lot-Split** (PD 18) (CD 5)
6515 East 46th Street South
- d. **L-20077** – Tulsa Engineering & Planning (8315)/**Lot-Split** (PD 18) (CD 8)
8519 South Maplewood Avenue
- e. **L-20080** – William Jones (9325)/**Lot-Split** (PD 18) (CD 8)
4441 South 86th East Avenue
- f. **L-20086** – Sack & Associates (9330)/**Lot-Split** (PD 6) (CD 9)

- Northeast corner East 42nd Street South and Rockford
- g. **L-20087** – Sack & Associates (9330)/**Lot-Split** (PD 6) (CD 9)
Northwest corner East 42nd Street South and Rockford
 - h. **L-20088** – John Duvall (9306)/**Lot-Split** (PD 4) (CD 4)
777 South Utica Avenue
 - i. **L-20089** – White Surveying (1314)/**Lot-Split** (PD 18) (CD 7)
6767 South Yale Avenue
 - j. **LC-43** – Jerry Butts (0334)/**Lot Combination** (PD 16) (CD 3)
Southeast corner East Haskell Place and Irvington
 - k. **LC-44 – DeShazo, Tang & Associates (9430)/Lot Combination** (PD 17) (CD 6)
4738 South 101st East Avenue
 - l. **LC-45 – Sack & Associates (9330)/Lot Combination** (PD 6) (CD 9)
Southwest corner East 41st Street South and Rockford

TMAPC COMMENTS:

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the consent agenda Items 6.b. through 6.l. per staff recommendation.

PUBLIC HEARING

Quincy Lofts at Cherry Street Phase II/Preliminary Plat (PD 6)(CD 4)
(9307)

1426 South Quincy Avenue

STAFF RECOMMENDATION:

This plat consists of 10 Lots, 1 Block, on .465 acres.

The following issues were discussed April 5, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-2.
2. **Streets:** The maintenance of the proposed mutual access easement is provided by a homeowners association. The visibility while exiting from the garages is severely limited due to the zero setback from the access easement, but is consistent with the previous phase. The existing alley is only 16 feet wide but provides an emergency access. A 20-foot wide mutual access easement is proposed.
3. **Sewer:** All sanitary sewer-pipe, both mainline and service lines, must be of ductile iron construction.
4. **Water:** No comment.
5. **Storm Drainage:** If drainage flows onto this site from the Quincy Avenue right-of-way, then an overland drainage easement will be required to convey this drainage across the site. Section I.G. should address conveyance of the drainage required to flow in the mutual access easement, as specified in Section I. F. The additional runoff generated by the more dense development, concentration of flow, and increased velocity of the flow from the mutual access easement to Lot 18, Block 7, of the Bellview Addition may not be allowed. No drainage improvements, inlets or storm sewer pipes, or even roof drains, were shown on a conceptual plan.
6. **Utilities: PSO, Telephone, ONG, Cable:** Okay.
7. **Other: Fire:** No comment.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

Mr. Ard asked staff if the alley would be used for some sort of access. In response, Mrs. Fernandez stated that it would be used for an emergency access and the Fire Department is in agreement with this proposal.

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, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Quincy Lofts at Cherry Street Phase II, subject to special conditions and standard conditions per staff recommendation.

Shadow Ridge Farm/Preliminary Plat-(1328)

(County)

East of Southeast Corner of East 86th Street North and Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of 86 Lots, 4 Blocks, on 64.63 acres.

The following issues were discussed April 5, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with RS zoning pending. The Department of Environmental Quality requires half acre minimum lot sizes (excluding easements) for aerobic and septic systems. Another access point is recommended and should be approved by the County Engineer. Sidewalks are required. All oil wells need to be shown on the face of the plat. There are large GRDA and PSO easements on the plat and these utilities will need to supply release letters for the plat. The Fire Department providing service also needs to be identified and a release letter from the responsible department received.
2. **Streets:** Corner lots at intersections with the arterials must have 30-foot radii labeled accordingly. Label right-of-way dedications by this plat and show documentation of existing right-of-way dedications. Show and label statutory right-of-way. What is the 150-foot wide strip in the abutting area of the out parcel? The fine dashed line along Harvard at the projected 50-foot right-of-way line of the out parcel should include the additional eight-foot dedication for future right-turn bay for 388 feet from the 86th Street centerline. Dimension the Limits of No Access and reduce the access to 60 feet along both arterials. Recommend a stub street to the south. In Section I.A change "street" to "street right-of-way" dedication.
3. **Sewer:** Out of Tulsa service area.
4. **Water:** Washington County Rural Water District # 3 will serve water.

5. **Storm Drainage:** Offsite drainage flowing onto the site from the east must be conveyed across the site in an overland drainage easement, located in a Reserve Area, or must be collected and piped in a storm sewer easement. Add language for required Reserve Areas and the standard drainage language for overland drainage easement in a Reserve, storm sewers, and surface (lot) drainage. Should be a separate sheet, and should not be shown on the face of plat. Existing grades require many more culverts under the streets. The downstream lots are adversely impacted by drainage that is neither being conveyed in overland drainageways, nor in storm sewer pipes.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** Cul-de-sacs shall not exceed 750 feet in length, measured from the centerline of the intersecting streets to the center of the turn-around. Cul-de-sacs shall have a turnaround radius of not less than 38 feet of paving, utilizing a rolled curb section wherever possible, and a radius of 50 feet of right-of-way at the property line. Cul-de-sacs greater than 250 feet in length shall have a turn-around radius of not less than 40 feet of paving and a radius of 52 feet of right-of-way at the property line. Cul-de-sacs greater than 500 feet in length and with abutting front yards for more than 20 lots shall have a turn-around radius of not less than 48 feet of paving and a radius of 60 feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section, the turnaround radius may be measured to the back of the curb. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 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. See cul-de-sac comment for plat above.

GIS: Add "engineer/surveyor": to the engineer title. Include email address of surveyor. Dimensions in location map need to be corrected (corner out parcel is square, but shown as long rectangle). Location map needs surrounding subdivisions labeled. Please call out "basis of bearing" on face of plat. Add "blocks" and "lots", i.e., 86 lots in four blocks. Streets within the plat need to be labeled with street names.

County Engineer: Need a stub street to the south, prefer toward east end. Complete the location map. Street names and addresses will be assigned by E-911. Show 40-foot access on 86th and Harvard. May need overland drainage easement across lots in Block 2 and Lot 12, Block 1. Make all drainage easements overland drainage easements and include standard language in covenants. Need more separation of intersections along the

north street. Reserve areas mentioned in covenants, but no reserves on plat. If there are reserves, need standard language in covenants. Some of the intersections are too close. Drainage is the biggest concern.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the TAC comments and the special and standard conditions below. Staff is not favorable to the waiver requested for this proposed subdivision which has RS zoning pending in the County. Because of the late submittal of the waiver request there may be more staff input submitted at the TMAPC meeting.

Waivers of Subdivision Regulations:

1. Staff has received a waiver request to the sidewalk requirement as of 4/12/07 (late afternoon).

Special Conditions:

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

Standard Conditions:

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

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

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

Mrs. Fernandez stated that neither staff nor the County Engineer staff are favorable to the waiver for sidewalks because the development is receiving RS zoning and not the RE or AG zoning that was approved in the policies in the County subdivisions.

Applicant's Comments:

Steve Bickford, Tuttle and Associates, 14840 Cedar Drive, Claremore, Oklahoma 74017, stated that he was instructed to request the waiver for the sidewalks. He cited several surrounding subdivisions that do not have sidewalks. Mr. Bickford indicated that he is in agreement with the staff recommendation except that he would like a waiver of the sidewalk requirements.

INTERESTED PARTIES:

Leroy & Tracy Gibbs, 8426 North Quebec, 74125, Ms. Gibbs stated that she would like to request that the lots that back up to 86th Street North have a greenbelt at least 30 feet in width. Ms. Gibbs further requested that the homes be at least 3,500 SF since her property is 5,200 SF.

TMAPC COMMENTS:

Mr. Ard explained that the Planning Commission doesn't get into specifications of size as long as the property meets zoning guidelines. The subject property is zoned RS and if the RS guidelines allow for a certain square footage the Planning Commission couldn't mandate a higher square footage than that unless it was involved in a PUD application. The Planning Commission can't require the greenbelt area unless there was a site plan approval that is within a PUD for this development. The Planning Commission cannot specify greenbelts in a certain area outside of what are minimum landscaping requirements as defined by the Zoning Code.

Mr. Alberty stated that this is a straight zoning subdivision plat and it only has to comply with the Subdivision Regulations. To impose additional requirements it would have to be in a PUD. He further stated that the applicant may want to discuss their issues with the developer, but the Planning Commission is obligated

to process this application according to the Subdivision Regulations. These lots are considerably larger than what the zoning would permit.

Mr. Carnes stated that he would make a motion to approve the preliminary plat per staff recommendation. He understands that there are other subdivisions in the subject area without sidewalks, but two wrongs don't make a right.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Shadow Ridge Farm, subject to special conditions and standard conditions, subject to sidewalks being required per staff recommendation.

BOA-20399/LC-38 – Plat Waiver-(0319) (PD 2) (CD 3)
1826 East 29th Street North

STAFF RECOMMENDATION:

The platting requirement is being triggered by approval of Board of Adjustment case #20399 allowing a church use in an RD zoning district.

Staff provides the following information from TAC at their April 5, 2007 meeting:

ZONING:

TMAPC staff: A lot combination was approved under LC-38.

STREETS:

Existing 30-foot right-of-way is adequate.

SEWER:

No additional sewer lines or easement is required.

WATER:

A four-inch main exists along 29th Street North.

STORM DRAIN:

No comments.

FIRE:

Water main extension will be required to locate fire hydrant to within acceptable distance, or internal system or fire line required.

UTILITIES:

Appropriate setbacks from utility lines are needed.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

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

- 10. Is this a Major Amendment to a P.U.D.? X
 a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the plat waiver for BOA-20399/LC-38 per staff recommendation.

L-20075 – Ronald Lewis (9225)

(PD 6) (CD 9)

4144 South Detroit

STAFF RECOMMENDATION:

The proposal is to split a lot into two tracts. On March 27, 2007, the City of Tulsa Board of Adjustment approved a variance of the average lot width. All other RS-3 bulk and area requirements were met; however, Tract B would have more than three side lot lines. The panhandle is necessary for Tract B to abut the sanitary sewer main line. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

The Technical Advisory Commission expressed no concerns at their March 15, 2007, meeting.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

TMAPC COMMENTS:

Mr. Ard asked staff why not have a sanitary sewer easement rather than to have this odd configuration of ownership. In response, Ms. Chronister stated that the City of Tulsa doesn't allow a service line to be in an easement. The mainline is

allowed to be in an easement, but a service line can't go through someone else's property and be placed in an easement.

Mr. Marshall questioned the request for the variance on the lot-width. In response, Ms. Chronister stated that the staff's calculations indicated that the subject property went below the required 60 feet.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVAL** the lot-split for waiver of Subdivision Regulations and of the lot-split per staff recommendation.

L-20076 – Marsha Watkins (6405)

(County)

11505 East 191st Street South

STAFF RECOMMENDATION:

On October 29, 2004, L-19760 was approved to split a 30' strip off one unplatted tract and tie it to another land-locked tract, to provide street frontage to a resulting ten-acre tract of land.

The current owner has now applied to split that ten-acre tract into two five-acre tracts (L-20076). Both resulting tracts would meet the AG bulk and area requirements; however, Tract 2 would not have street frontage. The County Board of Adjustment will consider a variance of the street frontage at their April 17, 2007, public hearing.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language of L-19760 for the proposed Tract 2 and recommends **APPROVAL** of the current lot-split request, L-20076, subject to the County Board of Adjustment approving the street frontage variance.

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, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **RESCINDING** the tie language of L-19760 for the proposed Tract 2 and recommends **APPROVAL** of the current lot-split request, L-20076, subject to the County Board of Adjustment approving the street frontage variance per staff recommendation.

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Application No.: PUD-312-A-9

MINOR AMENDMENT

Applicant: Tulsa Bone & Joint Center

(PD-18C) (CD-5)

Location: 4802 South 109th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 312-A for the purpose of increasing the allowable display surface area from 32 square feet to 100 square feet. The Tulsa Bone & Joint Center, which includes a surgery center, medical offices and a fitness center, is located on a pie-shaped tract with minimal frontage on South 109th East Avenue. This tract is actually a combination of three parcels (per PUD 312-A-6) on the north half of Lot 1, Block 1, Tulsa Bone & Joint. The twelve and one-half foot tall tenant sign is to be located in a median at the entry from South 109th East Avenue.

Per Development Area 'B' standards one ground sign not to exceed 32 square feet of display surface area and 20 feet in height is permitted for the subject property. Other development areas within PUD 312-A limit ground signage on internal streets to one monument-style sign not to exceed 60 square feet of display surface area and four feet in height. Underlying zoning permits display surface area of 32 square feet; therefore, a variance is also necessary to support the requested 100 square feet. In keeping, the applicant has requested and received approval on April 10, 2007 of a variance per BOA-20473 for 100 square feet of display surface as requested.

Staff finds the proposed 100 square feet of display surface area in comparison to the 60 square feet of display surface allowed by other development areas fronting South 109th East Avenue to be excessive and contrary to the uniformity of development intended by PUD 312-A. Therefore, staff recommends **DENIAL** of PUD 312-A-9 as proposed, but recommends **APPROVAL** of an increase in display surface area from 32 square feet to 60 square feet.

TMAPC COMMENTS:

In response to Mr. Ard, Ms. Tomlinson stated that the other buildings in the development are of similar size and they do comply with the ground signage that is permitted within the PUD.

Applicant's Comments:

Ed Horkey, Claude Neon Federal Signs, 533 South Rockford, 74135, stated the other properties within this development are not quite as big and are all single-user developments. This application is for a multi-user development, which will have seven different businesses operating out of the subject property. He believes that the number of visitors the subject property will have per day makes it unique. There are approximately 1,000 visitors per day, which is a medical facility. The subject property has a small street frontage (55-foot street frontage) located on a corner-curving lot. The entrance is very close to the Urologic Specialist and he believes that there is a problem with visitors finding the correct entrance for the subject property.

Mr. Horkey stated that the standard signage for the subject area is 32 SF, which is the same as a 4x8 piece of plywood. He is requesting for three sheets of plywood basically for signage space on the subject property.

TMAPC COMMENTS:

Mr. Harmon stated that he happens to use the urological group and he has never had any trouble finding his way around. He believes that 60 SF should be sufficient and he would be inclined to approve the staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **DENY** the minor amendment of PUD-312-A-9 as proposed and **APPROVE** an increase in display surface area from 32 square feet to 60 square feet per staff recommendation.

Application No.: Z-7054

AG/OL TO RM-1

Applicant: Charles E. Norman

(PD-2) (CD-1)

Location: North of the northeast corner of North Cincinnati Avenue and East 31st Street North

STAFF RECOMMENDATION:

BOA-18540 November 9, 1999: The Board of Adjustment approved a special Exception to allow for one-bedroom duplexes as part of "Crestview II" development in an RS-3 and CS district per plan submitted on property located southeast of the southeast corner of East 36th Street North and North Cincinnati Avenue and north of subject property.

Z-6553 September 1996: All concurred in approval of a request for rezoning a 12+ acre tract of land from RS-3 to RM-1 on property located south of the southeast corner of East 36th Street North and North Cincinnati and abutting north of subject property.

CDP-18 June 6, 1967: The Board of Adjustment approved a Community Development Plan for multifamily development which allowed 198 dwelling units located at North Garrison and Gilcrease Expressway and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 15.86 acres in size and is located north of the northeast corner of North Cincinnati Avenue and East 31st Street North. The property appears to be vacant and is zoned AG/OL.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Cincinnati Avenue	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 multifamily residential uses (Bradford Place Apartments, formerly Vernon Manor) zoned RM-1; on the north by the Crestview Senior Duplexes, zoned RM-1; on the south by a church (apparently vacant) and a childcare facility, zoned RS-3; farther to the south by a portion of an expressway alignment now under construction; and on the west by the same expressway alignment under construction. The alignment pieces are zoned AG and RS-3, reflecting the zoning designations of adjacent properties.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 25 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being partially within Development Incentive Area 5 and partially in Low Intensity-Residential land use. Policies in Plan section 3.1.6 call for well-planned and well-designed growth districts using various means to minimize adverse impacts of development. This District Plan designated Development Incentive Areas as means of enticing and encouraging viable new development into the area. According to the Zoning Matrix, the

requested RM-1 zoning **may be found** in accord with the Plan for both map designations.

STAFF RECOMMENDATION:

The requested RM-1 zoning is a logical extension of the existing RM-1 to the north and would be compatible as well with the multifamily zoning to the east. Based on the Plan, existing development and trends in the area, staff can support the rezoning and therefore recommends **APPROVAL** of RM-1 zoning for Z-7054.

Mr. Ard announced that he will be abstaining from this application.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the staff recommendation. Mr. Norman submitted photographs of the subject property (Exhibit A-1). Mr. Norman described the surrounding properties.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-1** (Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; Ard "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to recommend **APPROVAL** of the RM-1 zoning for Z-7054 per staff recommendation.

Legal Description for Z-7054:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE I. B. & M., TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS BEGINNING AT A POINT THAT IS 33 FEET SOUTH AND 50 FEET EAST OF THE NORTHWEST CORNER OF SAID SW/4, NW/4; THENCE CONTINUING SOUTH, PARALLEL WITH THE WEST LINE OF SAID SW/4, NW/4, A DISTANCE OF 390.50 FEET; THENCE N 88°41'33"E, (N89°54'35"E FIELD MEASURED) A DISTANCE OF 125.00 FEET; THENCE S41°02'52"E (S40°02'52"E FIELD MEASURED) A DISTANCE OF 39.01 FEET; THENCE N89°50'25"E A DISTANCE OF 141.62 FEET; THENCE S00°01'40"W A DISTANCE OF 127.67 FEET; THENCE S73°22'04"E A DISTANCE OF 270.43 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST 32ND STREET NORTH; THENCE N89°52'57"E A DISTANCE OF 722.89 FEET TO A POINT ON THE EAST LINE OF SAID SW/4, NW/4; THENCE N00°00'13"E, ALONG SAID EAST LINE A DISTANCE OF 626.14 FEET TO A POINT THAT IS 33 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID SW/4, NW/4; THENCE S89°52'28"W, PARALLEL AND 33 FEET FROM THE NORTH LINE OF SAID SW/4, NW/4, A

DISTANCE OF 1273.66 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE I. B. & M., TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS BEGINNING AT A POINT THAT IS 328.16 FEET SOUTH AND 50 FEET EAST OF THE NORTHWEST CORNER OF SAID SW/4, NW/4; THENCE CONTINUING SOUTH, PARALLEL WITH THE WEST LINE OF SAID SW/4, NW/4, A DISTANCE OF 95.34 FEET; THENCE N89°54'35"E A DISTANCE OF 125.89 FEET; THENCE S40°02'52"E A DISTANCE OF 39.01 FEET; THENCE N89°50'25"E A DISTANCE OF 141.62 FEET; THENCE N0°01'40"E A DISTANCE OF 125.16 FEET TO A POINT; THENCE S89°32'19"W A DISTANCE OF 291.79 FEET TO THE POINT OF BEGINNING, From AG/OL (Agriculture District/Office Low Intensity District) To RM-1 (Residential Multi Family District).

Application No.: Z-7055

AG/RS-3 TO IM

Applicant: Roy D. Johnsen

(PD-16) (CD-6)

Location: Southeast corner of East 36th Street North and North 129th East Avenue

STAFF RECOMMENDATION:

BOA-20151 November 22, 2005: The Board of Adjustment approved a Special Exception to permit Use Unit 24 for mining and mineral processing in an AG and IH district; subject to use conditions provided by the applicant and amended that hours of operation for blasting be daylight-hours only, Monday through Friday, located on the southeast corner of 36th Street North and 129th East Avenue and a part of the subject property.

Z-6837 October 2001: All concurred in approval of a request for rezoning a 155± acre tract of land from AG to IM and IH on property located on the southeast corner of East 46th Street North and Highway 169 North and northwest of subject property.

Z-6459 October 1994: All concurred in approval of a request for rezoning a 5± acre tract of land from AG to IM and IH on property located west of the northwest corner of East Apache and 141st East Avenue and southeast of subject property.

Z-6280 April 1990: All concurred in approval of a request for rezoning a tract of land from AG to IL and IM on property located west of the northwest corner of East Apache and 141st East Avenue and southeast of subject property.

BOA-15212 August 9, 1989: The Board of Adjustment approved a Special Exception to permit Use Unit 9 for a manufactured home in an RS-3 district, subject to removal of existing dwelling and finding that there are multiple zoning classification in the area and numerous mobile homes already in place, located as a part of subject property.

BOA-11107 July 14, 1980: The Board of Adjustment approved a Special Exception to permit Use Unit 5 for church use and related activities and a Variance of the one-acre minimum for church in an AG district on a part of the subject property.

Z-5524 August 1981: All concurred in approval of a request for rezoning a tract of land from AG to IM on property located and abutting south of subject property.

Z-5035 November 1977: All concurred in approval of a request for rezoning a tract of land from RS-3 to IM on property located and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 75 acres in size and is located southeast corner of East 36th Street North and North 129th East Avenue. The property appears to be residential, agricultural and industrial and is zoned AG/RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North 129 th East Avenue	Secondary arterial	100'	2
East 36 th Street North	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by mixed industrial uses and agricultural uses (appears to be pastureland), zoned IH; on the north by a large concrete/asphalt/gravel plant, zoned IM; on the south by mixed industrial uses, zoned IM; and on the west by a concrete/gravel plant, zoned IH. The Tulsa Raceway lies to the southwest of the subject property and is zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being part of Special District 2 – Industrial/Airport–Related Uses. According to the Zoning Matrix, the requested IM zoning **may be found** in accord with the Plan due to its location within a Special District. Industrial Special Districts, and particularly those in Planning District 16, were created to develop in higher intensity industrial uses. The subject case involves rezoning some RS-3 (typically not a designation that is compatible with IM and IH) zoned property to an industrial designation, as the Plan envisions.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing surrounding and nearby uses and trends in the area, staff recommends **APPROVAL** of IM zoning for Z-7055.

There were no interested parties wishing to speak.

Applicant’s Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing APAC Oklahoma, Inc., indicated that he is in agreement with staff recommendation. He explained that the properties abutting the subject property to the east and the immediate south are also owned by APAC, as well as a large holding north of 36th Street.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to recommend **APPROVAL** of the IM zoning for Z-7055 per staff recommendation.

Legal Description for Z-7055:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (W/2 NW/4 NW/4) OF SECTION 21, T-20-N, R-14-E OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, AND ALL OF LANGLEY ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT LOT 11, BLOCK 1, LANGLEY ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND LESS AND EXCEPT LOT 12, BLOCK 1, EXCEPT THE NORTH 155.21’ OF THE EAST 125.00’ THEREOF, LANGLEY ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; **From AG/RS-3 (Agriculture District/Residential Single-family District) To IM (Industrial Moderate District).**

Application No.: PUD-274-A

MAJOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-18) (CD-9)

Location: North of northeast of South Lewis Avenue and East 61st Street
South

STAFF RECOMMENDATION:

PUD-333-A April 2003: All concurred in approval of a Major Amendment to a Planned Unit Development on a .833+ acre tract to allow for a branch bank with drive-thru lanes on property located north of the northeast corner of South Lewis Avenue and East 57th Street.

PUD-534 July 1995: All concurred in approval of a proposed Planned Unit Development on a 2.3+ acre tract to permit mixed-use office and attached single family on property located on the west side South Lewis Avenue across from the southeast corner of South Lewis Avenue and East 55th Place.

Z-6276 January 1990: All concurred in approval of a request to rezone a tract of land from RS-2 to OL for office development on property located north of subject property.

PUD-403 October 1985: Approval was granted for a request to rezone the one-acre tract from RS-2 and OL to OL/PUD for an office development allowing uses by right in an OL-zoned district, excluding drive-in bank and funeral home on property located on the northeast corner of South Lewis Avenue and East 57th Street.

PUD-333 September 1983: All concurred, per conditions, in approving a request to rezone the subject tract from RS-2 and OL to OL/PUD-333 for office use.

Z-5650/PUD-274 February 1982: All concurred in approval of a request to rezone a 13.8 acre tract from RS-2 to RM-1 and RS-3 and a proposed Planned Unit Development for a multi-story office building with residential condominium units, this included a 40 foot landscape buffer between the project and the abutting single-family residents to the north. On property located north of northeast corner of East 61st Street and South Lewis Avenue and a part of subject property. A minor amendment PUD-274-3 added a drive-thru bank as a permitted use approved on September 6, 2006.

PUD-283-A August 1984: All concurred in approval of a Major Amendment to a Planned Unit Development to permit a multi-family development as a permitted use, where is was originally approved for an office complex, on property located

on the southeast corner of East 61st Street and South Yorktown Avenue and southwest of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8.16 acres in size and is located north of northeast of South Lewis Avenue and East 61st Street South. The property appears to be vacant and is zoned RS-3/RM-1/OM/PUD-274.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Secondary Arterial	100'	four

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

SURROUNDING AREA: The subject tract is abutted on the east single-family residential, zoned RS-2; on the north by single-family residential, zoned RS-2; on the south by multi-family and commercial, zoned CS/RM-2/RS-2; and on the west by commercial use, zoned CS

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 Medium-intensity.

STAFF RECOMMENDATION:

PUD-274-A proposes to combine Development Areas C and D into one new development area, Development Area E, to allow a Senior Care Center, Use Unit 2, as an alternative to the development concept currently permitted per PUD-274.

PUD-274-A comprises 8.16 acres located north and east of the northeast corner of East 61st Street South and South Lewis Avenue. The interior tract, a combination of Development Areas A, C and D of PUD-274, has approximately 49 feet of frontage on South Lewis Avenue and will have access to that street via private access easements. Per the original PUD, Development Area A was established for landscaped open space; Development Area C for garden offices and Development Area D for residential. An eight story office building has been constructed on Development Area B.

The existing underlying zoning within PUD-274-A is RM-1, Residential Multifamily, and RS-3, Residential Single Family. The proposed Senior Care Center, Use Unit 2, is permitted by special exception in RS-3 and RM-1 districts. Because a PUD may include uses permitted by right or by special exception per underlying zoning, PUD-274-A has been filed to include the Senior Care use. The zoning code permits a maximum floor area of .50, or approximately

153,113.4 square feet, for special exception uses permitted in RM and RS districts.

The original PUD development standards and concept plan require Development Area A to be devoted to landscaped open space at a minimum width of 40 feet. In keeping, Lots 4, 5 and 6 of the existing plat, One Summit Plaza, are to remain per PUD-274-A as landscaped open space under Development Area A. Development Area C, per PUD-274, required a minimum interior landscaped open space of 24% and Development Area D required livability space per dwelling unit of 1800 square feet. PUD-274-A proposes a decrease in landscaped open space for the combined development areas C and D to 15% and proposes to include Development Area A in meeting that requirement. Staff has advised the applicant that this would be a significant departure from the landscaping and buffering intended by the original PUD and that the 15% landscaped open space could likely be easily met without including Development Area A (Lots 4, 5 and 6).

Because signage is permitted based upon underlying zoning and frontage on an arterial street, a maximum of 32 square feet of display surface area can be allowed for PUD-274-A. Additional display surface area will require BOA approval of a variance. Therefore, staff cannot support the 128 square feet of display surface area proposed for signage per PUD-274-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-274-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-274-A subject to the following conditions:

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

Development Area A:

PERMITTED USES:

Landscaping and screening.

MINIMUM WIDTH: 40 FT

Alternative Development Area E (Development Areas C & D)

NET LAND AREA: 7.03 AC

PERMITTED USES:

Senior Care Center, Use Unit 2, Area-Wide Special Exception Uses, which may include skilled nursing, assisted living, memory support, physical therapy/wellness center and related common areas and accessory uses.

MAXIMUM BUILDING FLOOR AREA: 95,000 SF

MINIMUM BUILDING SETBACKS:

From north PUD perimeter boundary	70 FT
From west development area boundary	50 FT
From south PUD perimeter boundary	70 FT
From southeasterly/ easterly PUD perimeter boundary	35 FT

MAXIMUM BUILDING HEIGHT: Three stories (45 feet)*
**excluding architectural features*

OFF-STREET PARKING:

As required per the applicable use unit.

MINIMUM LANDSCAPED OPEN SPACE:

A minimum 15% net lot area of Development Area E (Lots 2 and 3) shall be maintained as landscaped open space.

LANDSCAPING AND SCREENING:

A six-foot solid screening fence shall be provided along the north and south boundaries of the PUD. The 40-foot strip within Development Area

A shall be heavily landscaped with trees and flowering shrubs and designed to provide a visual transition to adjacent residential as required per PUD 274 and the original concept plan.

SIGNS:

Signs shall be limited to one monument sign identifying the senior care facility adjacent to the north entry (Development Area A) and not exceeding 12 feet in height and 32 square feet of display surface area. Interior signage, not visible from a public street, shall be permitted.

LIGHTING:

No light standard or building-mounted light shall exceed 20 feet in height. All light standards shall be hooded and directed downward. 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.

VEHICULAR AND PEDESTRIAN ACCESS:

Access shall be provided at minimum by two mutual access easements from South Lewis Avenue through Lot 1, Block 1, One Summit Plaza to Development Area E. Provision for separation of pedestrian circulation from vehicular circulation and parking shall be provided, design of which shall be subject to detail site plan approval.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. 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.
9. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
10. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

14. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
15. 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.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments 4/5/07:

General: No comments.

Water: The existing eight-inch water main line must be relocated and the easements vacated for the planned development. A new eight-inch water main extension will be required with a 20' restrictive water line easement will be required.

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.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. 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: No comments.

Wastewater: No comments.

Transportation: No comments.

Traffic: The Existing Private Access Easement currently has one owner with full maintenance responsibilities.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: No Comment.

LRTP: East 61st Street South, between Harvard Avenue and Lewis Avenue, planned four lanes. Lewis Avenue, between 61st St. and 71st St., existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: The Joe Creek Trail is planned in the west side of the Joe Creek Channel at this location. Because there is some uncertainty regarding the location of the property line and the City of Tulsa's easement, a 15' foot trail easement along the southeast edge of the property is requested.

Transit: Currently, Tulsa Transit operates an existing route on Lewis, between 61st St. and 71st St. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

TMAPC COMMENTS:

Mr. Ard asked staff if there are some concerns regarding the landscaped areas. In response, Ms. Tomlinson stated that the original PUD had quite a bit of landscaped area, 24% of the commercial area of which is not part of this amendment. The office garden portion had 24% of landscaping and the residential had quite a bit for livability space. The applicant would like to reduce that entire area to 15%, but also include an area that was a strip along the north end. Staff has recommended the 15% not include the strip to the north so that it would have to be provided on site. It looks as if the two lots can meet the 15% requirement.

In response to Mr. Wofford, Ms. Tomlinson stated that the reason for the reduction in signage is strictly based on what the underlying zoning would permit. Quite a bit has already been allocated for the other lot, One Summit Plaza. All that remains on the subject frontage would provide the 32 SF.

In response to Mr. Marshall, Ms. Tomlinson stated that Atlanta is already a dead-end and there will not be an access.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that there is an eight-story office building that fronts Lewis and then there are two access drives (one on the north of the office building and one on the south). These will provide the access for the proposed use. Vehicular access will not be accessed on Atlanta and will not be opened for this project.

Mr. Johnsen stated that in regard to Joe Creek it was channeled to 100-year standards and he is favorable with regard to drainage that will be directed to Joe Creek.

Mr. Johnsen stated that the landscaping requirements from staff are aggressive, but he accepts. The landscaping along the north will be maintained as landscaped area and within the interior where the proposed senior care will be placed will have a minimum of 15%. Total of all landscaping comes out to be 24%.

Mr. Johnsen commented that when this PUD was originally approved there was a different interpretation of what the provisions of the Code said. There was quite a bit of signage approved at the beginning of the PUD and he has gone down from there, but staff has gone down even farther. Staff is strictly applying the current interpretation of the Code. He indicated that he wouldn't object to the decrease in signage along Lewis. He would like to make a clarification that signs that are not visible from a public street are not subject to the display surface areas. Inside the boundaries of the subject property there may be a place to have a wall sign and it would not be visible from the street or perhaps a monument sign could be installed. He wanted to clarify that the staff recommendation is not written to exclude that signage.

Ms. Tomlinson agreed to the signage clarification.

Mr. Johnsen stated that he would like the record to reflect that the INCOG Transportation Planner's note regarding a 15-foot trail easement along the southeast edge of the subject property was based on only if they needed it. The reason this is relevant is because Joe Creek has quite a wide opportunity for the path and the position of the staff person making this suggestion was that if they can confirm the property line and the City of Tulsa's easement is available, they wouldn't need the 15-foot easement. Mr. Johnsen doesn't want an easement required because he believes that there is more than enough available. Mr. Johnsen submitted photographs of the subject area (B-1). Mr. Johnsen requested that 15-foot easement not be a requirement of the PUD.

TMAPC COMMENTS:

Mr. Ard asked staff about the elimination of the 15-foot trail easement. In response, Ms. Tomlinson stated that it would concern her to eliminate it outright because the intention is to ensure that if needed they wouldn't have to be in the position of having to come back later and ask for it. There should be a way to put in the PUD that if required, there would be a 15-foot easement.

Mr. Johnsen stated that he would accept that the issue be resolved at site plan review and by then, the City should know if they need additional easement for the trails. In response, Ms. Tomlinson agreed.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to recommend **APPROVAL** of the major amendment for PUD-274-A per staff recommendation with the condition that the 15-foot trail be decided at site plan review, noting that interior signage that is not visible from a public street is permitted. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-274-A:

LOT 2, 3, 4, 5, AND 6, BLOCK 1, ONE SUMMIT PLAZA, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, **From RS-3/RM-1/OM/PUD (Residential Single-family District/Residential Multi-family District/Office Medium Intensity District/Planned Unit Development [PUD-274]) To RS-3/RM-1/OM/PUD (Residential Single-family District/Residential Multi-family District/Office Medium Intensity District/Planned Unit Development [PUD-274-A]).**

Application No.: Z-4900-SP-5

DETAIL SITE PLAN

Applicant: Peter Kavanaugh

(PD-18c) (PD-8)

Location: 9901 East 73rd

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a cell tower. The proposed use, an Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of Z-4900-SP-5.

The proposed 120-foot tall tower complies with height and setback requirements. Therefore, staff recommends **APPROVAL** of Z-4900-SP-5 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 **CARNES**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the detail site plan for Z-4900-SP-5 per staff recommendation.

Application No.: PUD-706-A-1

MINOR AMENDMENT

Applicant: Tulsa Engineering and Planning

(PD-26) (CD-8)

Location: 10907 South New Haven

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-706 for the purpose of reducing the rear setback from 25 feet to 10 feet to allow for construction of a cabana addition to a residential structure. Although minimum livability space can be maintained with the proposed addition, staff is concerned that such an amendment will set a precedent in this newly developing subdivision for over-sizing structures beyond the building envelope intended by PUD-706-A. Therefore, staff recommends **DENIAL** of PUD-706-A-1 as proposed.

Applicant's Comments:

Tim Terral, Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, OK 74133, stated that he could build the cabana as an accessory use without a minor amendment as long as it was detached from the house. He is proposing to do the same as what would be allowed for an accessory use, only it would be attached to the house. For esthetic reasons he believes it would be better this way. Mr. Terral submitted a site plan (Exhibit C-2) indicating how the proposal would function on the ground. Mr. Terral explained that the cabana would not be closed, but would be essentially an outdoor living area with two walls. The cabana would open near the pool with a kitchen area and fireplace. This proposal would not be adding a living room or bedroom. Mr. Terral submitted photographs (Exhibit C-1) to show how the cabana relates to the pool. Mr. Terral indicated that the neighbors are in favor of this proposal and have no objections.

TMAPC COMMENTS:

Mr. Wofford asked the applicant if the proposed structure will have a peaked roof. In response, Mr. Terral stated that it would be a peaked roof; however, it would not be allowed to be any higher than 18 feet to the top of the roof.

Ms. Tomlinson stated that if the cabana is detached its maximum height is 18 feet, but if it is attached, then it would conform to the development standards for structure height.

In response to Mr. Marshall, Mr. Terral stated that if the cabana was detached it would conform to the 18-foot building height, with ten feet to the top plate. There are no setback requirements as long as he stays off of the easements and does not increase the coverage more than 20% of the rear yard.

In response to Mr. Marshall, Ms. Tomlinson confirmed that there is a three-foot setback from an interior lot line and obviously they would have issues with easements and would have to be ten feet off. The maximum percentage of rear lot that can be covered is 20%.

Mr. Carnes stated that the applicant is putting the Planning Commission in the position to make a change on the first house in the subdivision, which makes it hard to do.

Mr. Terral stated that there are several homes already constructed, but this is the first minor amendment requested.

Mr. Harmon stated that he is inclined to support denial. He understands going one or two feet into the setback requirement, but to go 15 feet is more than he can support. This is a relative new subdivision and people knew what the requirements were when they purchased the lot and built their home.

Mr. Wofford stated that in the past he has been the strongest proponent against not allowing these kinds of encroachments on homes. However, the reality in this neighborhood with the price of homes here is that cabanas and some sort of open structure like this will be the norm. He agrees that this should have been anticipated in the planning of the subdivision, but he is not that opposed to something that is an open living area. This is more like a porch and he would tend to not see the damage. Most of the lots in the subject subdivision are large enough that people who want to do this can do it and do it in a tasteful way.

Mr. Ard agreed with Mr. Wofford.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **3-4-0** (Carnes, Harmon, Midget "aye"; Ard, Marshall, Shivel, Wofford "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **DENY** the minor amendment for PUD-706-A-1 per staff recommendation.

Motion failed.

TMAPC Action; 7 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **5-2-0** (Ard, Carnes, Marshall, Shivel, Wofford "aye"; Harmon, Midget "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-706-A-1 as presented.

Application No.: PUD-693-1

MINOR AMENDMENT

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: West of the northwest corner of 91st Street South and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-693 for the purpose of amending screening requirements. Currently, PUD development standards require that "Landscaping and screening shall be in substantial compliance with Exhibit B, Screening and Landscaping Concept (attached), which includes a six-foot high or higher screening wall or fence along the north boundary of the PUD, except for approved points of access, along the west boundary and the west 208.75 feet of the south boundary of the PUD." Recently, the neighboring property owner to the west installed a black-coated six foot high chain link fence along the shared in common with PUD-693. The applicant is requesting that the chain link fence in conjunction with a solid hedge of red tip photinia be considered as meeting the screening requirement. The applicant has further indicated that the adjacent property owner is in favor of this screening solution.

Therefore, staff recommends **APPROVAL** of PUD-693-1 as proposed with the added condition that the hedge be maintained at a minimum height of six feet at maturity.

TMAPC COMMENTS:

Mr. Harmon asked if it is realistic that someone would manage the hedge and it has to stay cut at six feet. Mr. Harmon stated that this is unenforceable in his opinion. In response, Ms. Tomlinson stated that there can be problems with maintenance, but if a complaint comes in and they were able to show that it is not meeting the minimum six-foot height, then there could be a remedy.

There were no interested parties wishing to speak.

Mr. Ard announced that he will be abstaining from this vote.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-1** (Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; Ard "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-693-1 as proposed, subject to added condition that the hedge be maintained at a minimum height of six feet at maturity per staff recommendation.

* * * * *

Application No.: PUD-306-H-3

MINOR AMENDMENT

Applicant: Adam A. Vanderburg

(PD-18) (CD-2)

Location: 9708 South Riverside Parkway

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 306-H for the purpose of allowing a pole sign instead of a monument-style sign and increasing permitted height of that sign from eight feet to fifteen feet three inches. Development standards currently permit "one pole sign 25 feet in height and 250 square feet of display surface area and two monument style signs on the Riverside Parkway frontage. No (monument) sign shall exceed eight feet in height or 100 square feet of display surface area. With 38 square feet of display surface area, the proposed sign will comply with development standards. However, the applicant notes that the area adjacent to Riverside Parkway where a sign would be located is a lower grade than the street, making a significant portion of an eight foot tall sign difficult to read. Staff notes that there is a grade difference and that the proposed increase in height is modest and is only what would be necessary to adequately provide visibility.

Therefore, staff recommends **APPROVAL** of PUD 306-H-3 as proposed with the advisement that any sign must comply with requirements for minimum separation between ground signs of 100 feet and no ground sign may be located within a required parking space.

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, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-306-H-3 as proposed with the advisement that any sign must comply with requirements for minimum separation between ground signs of 100 feet and no ground sign may be located within a required parking space per staff recommendation.

Application No.: PUD-648-4/Z-6001-SP-1d

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-8) (CD-2)

Location: 6901 South Olympia West Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-648 for the purpose of increasing maximum floor area permitted in Development Area A by fifteen percent (15%). The increase in floor area is to accommodate the first phase of an expansion plan for the hospital. Future expansion is to be proposed through an upcoming request for a major amendment to PUD-648.

Currently, development standards allow a maximum of 76,889 square feet; a fifteen percent increase would allow 88,422.35 square feet. The existing structure is approximately 78,039 square feet. Two areas of expansion totaling approximately 7,650 square feet are proposed on the west side of the structure.

Development Area A has a gross area of 865,054 square feet which includes several large reserve areas. Underlying CO zoning would permit 1,081,317.5 square feet of floor area, significantly more than what is currently permitted.

Staff finds the proposed amendment to be minor in nature and in keeping with spirit and intent of PUD-648 and, therefore, recommends **APPROVAL** of PUD-648-4 as proposed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-648-4 as proposed per staff recommendation.

Application No.: PUD-727

DETAIL SITE PLAN

Applicant: Sisemore Weisz & Assoc., Inc.

(PD-2) (CD-1)

Location: East Latimer Place North/ East Marshall Street North (Block 1, Brady Village); East Marshall Street North/ East Newton Street North (Block 2, Brady Village); East Newton Street North/ East Oklahoma Street North (Block 3, Brady Village)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for gated entries associate with the Brady Village residential development. Regarding screening and decorative fencing, development standards permit "A six-foot high screening fence shall be constructed along the west boundary line of the PUD for separation of private property ownership areas. Masonry construction, a wood/masonry combination or composite type of material is recommended. *(It appears that this screening fence has been installed.)* A maximum six-foot high decorative screening fence shall be constructed along the right-of-way limits of East Oklahoma Street North, East Newton Street North, east Marshall Street North and East Latimer Place North within the boundaries of the PUD, with tapering of said six-foot high fencing to a maximum fence height of four feet in the front yard areas of all lots within the subdivision." The proposed gated entries are associated with this latter screening.

The Fire Marshal and Traffic Engineer have approved the access and gate design plans. Therefore, staff recommends **APPROVAL** of PUD-727 detail site plan for gated entries.

(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, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the detail site plan for PUD-727 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-360-D

REFUND REQUEST

STAFF RECOMMENDATION:

Mr. Alberty stated that the applicant filed an application that was later determined was not necessary. Staff is recommending a full refund to the applicant, which is \$1,390.00.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

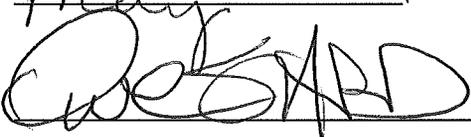
On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Carnes, Harmon, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Miller "absent") to **APPROVE** the refund request for PUD-360-D per staff recommendation of \$1,390.00.

Commissioners' Comments:

Mr. Ard welcomed and thanked Mr. Marshall for attending his first meeting.

There being no further business, the Chair declared the meeting adjourned at 2:40 p.m.

Date Approved:

May 2-07


Chairman

ATTEST: Stephane Cantelero
Secretary