

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2482

Wednesday, June 6, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Miller	Alberty	Boulden, Legal
Cantees		Fernandez	
Cantrell		Huntsinger	
Carnes		Matthews	
Harmon		Tomlinson	
Marshall			
McArtor			
Midget			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 31, 2007 at 3:31 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.

REPORTS:

Director's Report:

Mr. Alberty reported on the City Council's agenda and the Board of County Commissioners' agenda.

Mr. Alberty reported that with the implementation of the LEAN recommendations a record was set in the processing time, which was 49 days versus 100 days. The 49 days reflects from the time the application was submitted at INCOG through the approval at City Council.

Mr. Alberty informed the Planning Commission that two staff members will be attending the From-Based Codes Seminar this month in Fort Worth, Texas. Delise Tomlinson and Duane Cuthbertson will be representing staff.

In response to Mr. Ard, Mr. Alberty stated that the Legal Department is doing their job and he understands that the ordinances are drafted as soon as they receive the transmittal. The City Council secretary is setting the transmittals on the agendas as soon as they are received. All these things came from the LEAN process and certain issues had been discussed ahead of that and everyone is in agreement. The efforts were there in the past, but sometimes, for other reasons, work became delayed.

Mr. Ard congratulated Mr. Alberty and his staff. Mr. Alberty reminded Mr. Ard that City staff members were involved in the cooperation.

Ms. Cantees and Mr. Midget in at 1:35 p.m.

Minutes:

Approval of the minutes of May 16, 2007 Meeting No. 2480

On **MOTION** of **HARMON**, the TMAPC voted 9-0-1 (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; Cantees "abstaining"; Miller "absent") to **APPROVE** the minutes of the meeting of May 16, 2007, Meeting No. 2480.

Minutes:

Approval of the minutes of May 23, 2007, Meeting No. 2481

On **MOTION** of **HARMON** the TMAPC voted 8-0-2 (Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; Ard, Cantees "abstaining"; Miller "absent") to **APPROVE** the minutes of the meeting of May 23, 2007, Meeting No. 2481.

Mr. Ard stated that the following has requested a continuance and should be removed from the consent agenda:

- 2.p. **Silver Ridge** – (8309)/**Final Plat** (PD 18) (CD 8)
North of the northwest corner of East 75th Street South
and Yale Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance to June 20, 2007 in order to work on the design.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **CONTINUE** the final plat for Silver Ridge to June 20, 2007.

CONSENT AGENDA

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.

- a. **L-19092** – John Woolslayer (2993)/**Lot-Split** (PD 6) (CD 9)
2698 East 37th Street
- b. **L-20063** – Sack & Associates (8407)/**Lot-Split** (PD 18) (CD 7)
Northeast corner of East 79th Street South and Mingo
- c. **L-20091** – Ernest Marshall (0404)/**Lot-Split** (County)
14312 East 59th Street North
- d. **L-20092** – Kenneth Smith (9236)/**Lot-Split** (PD 18) (CD 9)
1096 East Skelly Drive
- e. **L-20094** – Yia Xiong (1315)/**Lot-Split** (County)
East of southeast corner 106th Street North and Yale
- f. **L-20095** – Linda Brocker (1202)/**Lot-Split** (County)
11932 North Cincinnati
- g. **L-20097** – Riggs Abney (8307)/**Lot-Split** (PD 18) (CD 2)
Southeast corner of East 73rd Street and Wheeling
- h. **L-20099** – Carolyn Spickelmier (1313)/**Lot-Split** (County)
10503 North Memorial
- i. **L-20100** – Etta Bruce (7319)/**Lot-Split** (County)
15116 South Lewis
- j. **L-20101** – Doug Isgrigg (7333)/**Lot-Split** (County)
4002 East 171st Street
- k. **L-20102** – Tulsa Development Authority (0225)/**Lot-Split** (PD 2) (CD 1)
772 East Tecumseh

- i. **L-20103** – Harden & Associates (0223)/**Lot-Split** (PD 2) (CD 1)
2618 North Cincinnati
- m. **LC-40** – H. I. Aston (0331)/**Lot-Combination** (PD 2) (CD 1)
1123 North Utica
- n. **LC-49** – Brad Shelts (9326)/**Lot-Combination** (PD 18) (CD 5)
6536 East 42nd Street
- o. **LC-50** – Dennis Blind (9307)/**Lot-Combination** (PD 6) (CD 11)
1643 East 17th Place
- q. **PUD-514-A** – (9322)/**Plat Waiver** (PD 6) (CD 5)
Northeast corner of East 33rd Street and South Yale Avenue

STAFF RECOMMENDATION:

The platting requirement is triggered by a major amendment to a PUD for a cell tower use.

It is the policy of TMAPC to waive the platting requirement for antennas and supporting structures (Use Unit 4) such as cell towers. Therefore, staff recommends **APPROVAL** of the requested plat waiver for PUD 514A.

- r. **PUD-514-A – Lou Reynolds/Detail Site Plan** (PD-6) (CD-5)
3259 South Yale Avenue (Detail Site Plan for a communication tower/flag pole.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for communication tower/ flag pole. The proposed use, Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of PUD-514-A.

The proposed communication tower complies with development standards.

Therefore, staff recommends **APPROVAL** of PUD-514-A detail site plan as proposed.

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

- s. **Trinity Creek II – (9426)/Final Plat** (PD 17) (CD 6)
Northeast corner of East 51st Street South and 161st East Avenue

STAFF RECOMMENDATION:

This plat consists of 316 lots in 12 blocks on 93 acres.

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

TMAPC COMMENTS:

Mr. Marshall stated he would like to talk about PUD-514-A. He commended the cell phone industry for finding a way to place a receiver on the inside of the flagpole. This is very innovative and a job well done.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the consent agenda Items 2.a. through 2.s. (excluding 2.p.) per staff recommendation.

Mr. Midget out at 1:45 p.m.

CONTINUANCE REQUESTS AND/OR STRIKE FROM AGENDA:

The Reserve at Stonebrooke – (8211)/Preliminary Plat (PD 8) (CD 2)
Northwest of the northwest corner of West 81st Street South and Elwood Avenue (**A continuance is requested to June 20, 2007 for further TAC review.**)

STAFF RECOMMENDATION:

Ms. Matthews stated this application should be continued for further TAC review.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to **CONTINUE** the preliminary plat for The Reserve at Stonebrooke to June 20, 2007.

* * * * *

Mr. Midget in at 1:46 p.m.

Hidden Valley – (9230)/Preliminary Plat (County)

4340 South 65th West Avenue (**Strike from agenda. Applicant has withdrawn plat.**)

STAFF RECOMMENDATION:

Applicant has withdrawn this application.

Stricken.

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Shwiyat Estates – (9311)/Preliminary Plat (PD 5) (CD 5)

1720 South Memorial Drive (Strike from agenda. Plat will be reconfigured and resubmitted. Plat was continued from May 2, 2007 and May 16, 2007 TMAPC meetings.)

STAFF RECOMMENDATION:

Staff recommends striking this application from the agenda due to the applicant reconfiguring and resubmitting the preliminary plat.

Stricken.

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Z-7035 - Richard Gardner

RS-3 to CS

9707-9709 East 62nd Street/6139 South Mingo (This case was continued from April 4, 2007.) (Staff is requesting a continuance to July 11, 2007 due to payment for new notice fee being late.)

(PD-18c) (CD-6)

STAFF RECOMMENDATION:

This application will have to be continued to July 11, 2007 for proper noticing. The applicant paid his new notice fees late.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **CONTINUE** Z-7035 to July 11, 2007.

PUD-136-A – Tanner Consulting, LLC/Detail Site Plan

(PD-18) (CD-8)

7412 South Yale Avenue (Staff recommends a minor amendment and therefore recommends a continuance to June 20, 2007.)

STAFF RECOMMENDATION:

Staff is recommending a minor amendment be filed for this application and therefore requests a continuance to June 20, 2007.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **CONTINUE** PUD-136-A to June 20, 2007.

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

Ms. Matthews reminded Mr. Ard that Z-7059/PUD-740 has requested a continuance to June 20, 2007.

Application No.: Z-7059/PUD-740

RS-1 TO RS-3/PUD

Applicant: Sisemore Weisz & Associates

(PD-18b) (CD-8)

Location: Southwest corner of South Canton Avenue and East 93rd Street

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant is trying to work out some of the details on their design and is not ready to present today.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **CONTINUE** Z-7059/PUD-740 to June 20, 2007.

PUBLIC HEARING

Riverfield Country Day School II – (9234)/Authorization for Accelerated Release of Building Permit (PD 8) (CD 2)

2433 West 61st Street South

STAFF RECOMMENDATION:

The property is zoned PUD-375. Full permits are requested. The Preliminary Plat was reinstated for this property at the May 16, 2007 TMAPC meeting.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Growth of enrollment requires the additional classroom space by August 15, 2007.

The following information was provided by the Technical Advisory Committee in its meeting May 17, 2007.

ZONING:

TMAPC Staff: The property is zoned PUD 375 B.

STREETS:

Public Works, Transportation: No comment.

Public Works, Traffic: No comment.

SEWER:

Public Works, Waste Water: No comment.

WATER:

Public Works, Water: A six-inch water main exists for water services.

STORM DRAIN:

Public Works, Storm Water: No comment.

FIRE:

Public Works, Fire: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1.) the building is equipped throughout with an approved automatic sprinkler system. 2.) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 3.) There are not more than two Group R-3 or Group U occupancies. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates, and an unobstructed vertical clearance of not less than 13 feet six inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius. Dead-end fire apparatus access roads in excess of 150 feet in

length shall be provided with an approved area for turning around fire apparatus. 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: 1.) For Groups R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

UTILITIES:

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon “the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat”. These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the authorization for accelerated release on building permit for Riverfield Country Day School II per staff recommendation.

Mr. Ard stated that there are several people signed up to speak on the next item and he would like to remind the public that the zoning change has been approved by the City Council for CS/RS-3 zoning. Today the issue is the PUD request. Mr. Ard reminded everyone that today is not the time to argue the points regarding zoning. Please keep comments to the PUD.

Ms. Matthews stated that she would like to give a little bit of background since there are a couple of new TMAPC members since the first deliberations on the zoning and PUD application. This case was filed back in October of 2006. Ms. Matthews indicated that the City Council approved this application two weeks ago for CS/RS-3 zoning. The Planning Commission voted to send the zoning case forward with no recommendation (4-4-0 vote). The City Council voted (5-4) to approve the CS/RS-3 zoning. The PUD before the Planning Commission

today is for property zoned CS/RS-3. Ms. Tomlinson will discuss the details of PUD-737.

Application No.: PUD-737

AG to CS/RS-3/PUD

Applicant: Tulsa Engineering & Planning Associates

(PD-17) (CD-6)

Location: Southeast corner East 11th Street and South 161st East Avenue

STAFF RECOMMENDATION:

Z-7045 December 6, 2006: A request to rezone a 140+ acre tract from AG to 135 acres to RS-4 and five acres to CS was heard by the TMAPC on December 6, 2006. The TMAPC and staff agreed to continue the case per the applicant to a further date. Applicant indicated he is considering reducing request from RS-4 to RS-3. Multiple requests for continuance were approved to be finally heard on March 7, 2007, with a related Planned Unit Development submitted on subject property.

Z-6671 February 1999: All concurred in approval of a rezoning of a tract of land lying one-half mile northeast of the subject site from RS-3 to AG.

BOA-14627 October 22, 1987: The Board of Adjustment approved a Use Variance to allow for a 1500 square foot accessory building for storage of personal items and electrical materials; per plan submitted; and subject to the Home Occupation Guidelines a set forth in the Code.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 140 acres in size and is located at the southeast corner of East 11th Street and South 161st East Avenue. The property appears to be vacant, partially wooded, gently rolling and zoned AG. According to a sign on the east boundary of the property, it is the site of a former horseback riding stable. A house, pole-barn shelter and several accessory buildings remain on the site. A ravine or drainage way crosses the property from approximately east to west, and there appears to be a pond in the interior of the property.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary arterial	100'	Two
South 161 st Avenue	Secondary arterial	100'	Two

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

SURROUNDING AREA: The subject tract is abutted on all sides by agricultural land, open space and large-lot single-family development. A pasture with horses, lies across East 11th Street to the north, zoned CS, OL and RS-3. Staff notes that this property in this configuration was apparently zoned prior to the adoption of the current zoning map in 1970.

The properties to the west are vacant or large-lot single-family residential and zoned RS-3. Properties to the east and southeast are zoned AG and are in agricultural, vacant or in single-family residential, large-lot uses. On the southwestern boundary of the site is a parcel zoned RD, but is apparently not in that use. It appeared to be large-lot residential/agricultural.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use for the five-acre node at the intersection and the remainder as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CS, Commercial Shopping, and RS-3, Residential Single-Family, zoning is found to be **in accordance** with the Comprehensive Plan.

STAFF RECOMMENDATION:

PUD-737 is proposed primarily as a residential development, with a five acre commercial node on the southeast corner of East 11th Street South and South 161st East Avenue. The tract has 2,310 feet of frontage along East 11th Street South and 2,640 feet of frontage on South 161st East Avenue. Corresponding RS-3 and CS zoning are requested in support of the proposed development.

The 140-acre site is characterized by rolling terrain with a ridgeline that runs north/south along the western half of the subject property. A smaller ridgeline, or knob, is situated in the north central portion of the site along East 11th Street South. There are three drainage ways located on-site which are proposed for three wet stormwater detention facilities.

PUD-737 proposes a total of 600 single-family residential dwellings and 108,900 square feet of commercial floor area. Three access points onto East 11th Street South and two access points onto South 161st East Avenue are proposed from the residential portion of the development. All streets are to be public. Given the size and density of the proposed PUD and per the Comprehensive Plan, a collector street is recommended through the development; as is an additional stub street to the east. Sidewalks must be provided on East 11th Street South, South 161st East Avenue and on all residential streets. Careful consideration of topography and natural features is strongly recommended, with pedestrian access assured to common recreation areas.

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-737 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-737 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:

LAND AREA: 5.0 AC (gross) 3.99 AC (net)

MINIMUM LOT WIDTH: 150 FT

PERMITTED USES:

Those uses as permitted by right in the CS district, excluding Use Unit 12a; and excluding outdoor advertising signs, only, within Use Unit 21, Business and Outdoor Advertising Signs.

MAXIMUM PERMITTED FLOOR AREA: 108,900 S.F.

MAXIMUM PERMITTED FLOOR
AREA RATIO PER LOT: .50

MAXIMUM PERMITTED HEIGHT:
One-story not to exceed 28 feet.

MINIMUM BUILDING SETBACKS:
From centerline of East 11th Street South 100 feet
From centerline of South 161st East Ave. 100 feet
From abutting RS District 50 feet

MINIMUM SETBACK FOR BULK TRASH CONTAINERS (dumpsters):
100 feet from the east boundary.

OFF-STREET PARKING:
As required by the Tulsa Zoning Code per the applicable use unit.

MINIMUM LANDSCAPED AREA:

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

SCREENING AND BUFFERING:

A minimum six-foot tall masonry screening wall shall be provided along the east and south boundaries of Development Area A. A minimum 20-foot wide landscape buffer with trees shall be provided along the east boundary, design of which shall be subject to TMAPC approval at detail site plan review.

VEHICULAR ACCESS:

A maximum of two access points each onto East 11th Street South and South 161st East Avenue is permitted.

PEDESTRIAN CIRCULATION:

Sidewalks shall be provided along East 11th Street South and along South 161st East Avenue. In addition, a minimum of one designated pedestrian access (i.e. paving or striping) from each arterial street sidewalk shall be provided through the parking to the interior use(s).

LIGHTING:

No light standard or building-mounted light shall exceed 20 feet in height. All lights 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.

SIGNAGE:

Signage must comply with Section 1103.B.2.b of the zoning code and with the following conditions:

- (a) One ground sign per lot not to exceed a maximum of two ground signs per arterial street frontage shall be permitted. Each ground sign shall be permitted a maximum display surface area of 160 square feet and shall not exceed 25 feet in height.
- (b) Wall signs shall be permitted not to exceed two square feet of display surface area per each lineal foot of building wall to which the sign or signs are attached. No east or south-facing wall signs permitted on buildings within 150 feet of the south and east boundaries of Development Area A.

- (c) No outdoor advertising signs permitted.

Development Area B:

LAND AREA: 135.0 AC (gross)
130.38 AC (net)

PERMITTED USES:

Use Unit #6 and those uses customary and accessory thereto.

MINIMUM LAND AREA PER DWELLING UNIT: 8,400 SF

MAXIMUM PERMITTED DWELLING UNITS: ~~600~~ 543

MINIMUM LOT AREA: 5,500 SF

MINIMUM LIVABILITY SPACE PER LOT: 2,000 SF

MINIMUM LOT FRONTAGE: 50 FT*

**Measured as the lot width at the building line. Lot shall have at least 30 feet of street frontage.*

MINIMUM SETBACKS:

Front Yard	20 FT
Side Yard Abutting a Public Street	15 FT**
Side Yard	5 FT
Yard Adjacent to an Arterial	35 FT***

***Garages shall be setback a minimum of 20 feet.*

****No front yards permitted on an arterial.*

MAXIMUM PERMITTED HEIGHT: 35 FT

VEHICULAR ACCESS:

Access to lots shall be provided by public streets with a maximum of three access points onto East 11th Street South and two access points onto South 161st East Avenue. A collector street with a minimum 60-foot right-of-way shall be provided through the development. An additional stub street to the east and north of the planned lift station shall be provided. No residential lot shall be permitted direct access onto an arterial.

PEDESTRIAN ACCESS:

- Sidewalks shall be provided along all residential streets and along East 11th Street South and South 161st East Avenue. Pedestrian access shall be provided to all common areas unless the common area is dedicated solely for detention purposes.
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 non-residential lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed or will be installed within a specified period of time 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. 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.
 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. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any stormwater detention areas or other commonly owned structures within the PUD.
 9. 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.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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.
12. 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.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the 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 from 2/16/07:

General: No comments.

Water: A water main extension will be required to serve the development.

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: The Stormwater Detention Facilities, as shown in Exhibit 'A', may conflict with public utility projects in this area. See Wastewater.

Wastewater: The City has completed final design of a lift station and force main that will be in the area shown as Stormwater Detention Facility on the east side, and running north from that site along the east property boundary. The Stratford Ridge project will be served by the City's project and must incorporate the City's design and easement requirements into their design.

Transportation: Sidewalk requirement on all street frontages is supported. Right-of-way dedications for the secondary arterials along section lines will include additional eight feet on S. 161st E. Ave. for right turn bay onto E. 11th. Design stage will include evaluating sight distance for arterial access locations. (Additional comments presented at the meeting: Additional right-of-way in excess of 50' may be necessary for 11th Street so that its ultimate construction as a five lane secondary arterial can be accomplished without additional expense to be no steeper than 4:1 (H.V.) side slopes from pavement to sidewalk. Designer shall coordinate with Engineering Services to consider ultimate design profile and cross section. Additional stub to the east and north of the planned lift station is recommended to avoid land-locking future lots in the unplatted 330-foot-wide strip.

Traffic: Recommend either a N-S or an E-W Collector St be incorporated into the Preliminary Plat for this large 140 acre development. The roadway along the northeast side of the Linear Park is long and continuous. Recommend a physical break. A 58-foot right-of-way for a NB Rt. Turn Bay on 161 East Avenue and a 30-foot Intersection Radius are required by the Subdivision Regulations. Provide adequate separation from the existing residential intersections along 161 East Avenue. The portion of the PUD Text regarding Access does not match the site plan. No objection to three Public Streets accessing 11 Street.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: East 11th Street South and South 161st East Avenue have an existing two lanes. A minimum 100-foot right-of-way should be maintained, and sidewalks should be included along East 11th Street South and South 161st East Avenue and on all internal streets per Subdivision Regulations.

LRTP: East 11th Street South between South 161st East Avenue and South 177th East Avenue is an existing two lane street. South 161st East Avenue between East 11th Street South and East 21st Street South is an existing two lane street. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No Comment.

Transit: No current or future plans for this location.

TMAPC COMMENTS:

Ms. Cantrell asked Ms. Tomlinson about the bulk and area requirements, which seem to be more typical of RS-4 and an acceptable density, but she noticed that the livability space per lot is very low and doesn't even meet the RS-4 standards. In response, Ms. Tomlinson stated that the applicant can probably address this better, but as a reminder, within a PUD the applicant is given some flexibility. The minimum amount of livability space per lot still has to be met and must be provided in the project. This can be aggregated in common areas. The subject property has some unusual terrain and in order to obtain the lot areas that make it appropriate for development, the livability space would be less in individual lots, but it will all be made up in these areas of natural terrain. PUDs are intended to accommodate and preserve natural areas of vegetation, hillside, and water areas. Nothing is lost in terms of the overall project, but on individual-lot basis it is less.

Ms. Cantrell asked if she understands that when the staff recommends minimum livability space per lot that doesn't take into account the large open area. In response, Ms. Tomlinson stated that this means that when a permit is issued for a structure on the lot, then that minimum amount of space must be remain open and then for the overall project there still has to be all that would be required for a typical RS-3 development.

Mr. Marshall stated that this application has gone back to RS-4 and there are very few RS-3 requirements on the bulk and area requirements. Mr. Marshall asked staff to go through and explain how they have come up with these numbers. In response, Ms. Tomlinson stated that what happens on a PUD application is that the applicant will propose development standards. Staff reviews them to assure that they are in compliance with the overall intentions of the PUD Chapter. Staff also will make modifications as appropriate and include them in the recommendation. Staff starts with a base that is supplied by the applicant. Most of these calculations are coming from the applicant. Within a PUD the applicant can't exceed the maximum number of units allowed by the underlying zoning and they have to provide minimum livability space for the overall project and provide sufficient setbacks. The applicant meets all these requirements and will be able to retain some of the natural areas that he wouldn't be able to do in straight RS-3 zoning.

Mr. Marshall submitted an example of the differences between RS-3 and RS-4 according to what he applicant is requesting. Mr. Marshall asked if staff questions some things like this or does the applicant simply say this is what I want. In response, Ms. Tomlinson stated that it begins with what the applicant wants and then there are a variety of criteria that staff has to review. The applicant could probably better answer these questions.

Applicant's Comments:

Tim Terral, Tulsa Engineering and Planning Associates, 6737 South 85th East Avenue, 74133, representing Terry Davis and Chuck Ramsey who are developing the subject property, stated that these developers have a great reputation around Tulsa and the surrounding areas for doing high quality projects. He indicated that he is in agreement with staff's recommendation.

Mr. Terral stated that there have been a lot of misconceptions in terms of this being a high intensity or high density type of development. Mr. Terral displayed the Zoning Matrix from the Tulsa Zoning Code. The Zoning Matrix indicates that this proposal is low intensity. RS-3 is not high intensity or high density, which is a single-family residential with attached uses. He explained that he is requesting 600 dwelling units and there are 18 acres of open space, which is almost 13% of the entire project. He is trying to represent the land plan in such a way that it does respect the site. Mr. Terral pointed out the open space areas and which ones would be wet areas. The subject proposal is in accord with the Comprehensive Plan (Mr. Terral read the staff recommendation regarding the Comprehensive Plan and expectant development of the subject area). Mr. Terral concluded stating that staff has a lot of experience with zoning and PUDs and this is a standard PUD with smaller lots similar to RS-4, but the density is what is being discussed, which will generate the car trips and how much open space is available. The smaller lots are due to the attempt to maintain the natural topography and natural vegetation. The timeframe for this development is eight to ten years and they probably will not start building homes for 18 to 24 months. The first phase will be approximately 40 acres and encompass the northeastern portion of the project site. There will be a stub road added in that area as requested by staff and the collector street situation will be worked out with staff. He reminded the Planning Commissioners that the 50-foot lot width is a minimum requirement and not all lots will be 50 feet. The lots will average 52 to 57 feet in width. The standards are minimums.

TMAPC COMMENTS:

Mr. Ard asked Mr. Terral if there will be any changes in order to accommodate the stub street. In response, Mr. Terral stated that there will have to be an alteration in the configuration to make it work.

Mr. Ard asked if the ridgeline is buildable. In response, Mr. Terral stated that he doesn't know about the geotechnical data at this time so he isn't sure about the rock underground. However, grading can be done and it depends how much money one would want to throw at it to pick up more units. His clients are trying to maintain the ridgeline because it is an asset and amenity to the site.

Mr. Marshall stated that he knows Mr. Davis and Mr. Ramsey and they will do a good job of developing this project. However, he is questioning the fairness because he believes that a lot of the homeowners thought that they would be getting the RS-3 requirements and not the RS-4. Mr. Marshall asked Mr. Terral

why he came in with a PUD rather than the RS-3 straight zoning. In response, Mr. Terral stated that the PUD is for flexibility and it is a give-and-take process. His client is giving a lot more open space (which isn't required with straight zoning) and the Planning Commission wouldn't get to review the plans except for a preliminary plat. His client is trying to do something that is special for the site based on what the site gives in terms of topography, drainageways, etc. The proposed PUD is not that uncommon, with smaller lots in order to give more open space. This is a density issue and 600 dwelling units are fewer than the 700 dwelling units the RS-3 zoning would allow and RS-2 is 541 dwelling units. Mr. Terral believes he is closer to the RS-2 densities than the RS-3 densities.

Mr. Marshall stated that there was a lot controversy over this application and it doesn't look like the developer is giving in anyway. Mr. Marshall commented that the applicant has gone back to RS-4 and it should be based on RS-3 with a PUD to get around using an RS-3 designation.

Mr. Terral stated that he respectfully disagrees with Mr. Marshall's comments. He doesn't believe that the subject proposal is uncommon. There are a lot of PUDs in the Tulsa area and in different communities and this is not uncommon. He sees where Mr. Marshall is coming from regarding the controversy and he respectfully disagrees that this is not fair. Mr. Terral explained that it is fair to propose the subject PUD because if it wasn't he doesn't believe the staff would give the recommendation of approval.

Mr. Marshall commented that the subject proposal is one of the reasons why the neighbors and neighborhood associations get so upset. The applicant has the regular zoning that he had to go through to get around it by filing a PUD. Mr. Marshall indicated that he would support this because he believes East Tulsa needs this.

Mr. Terral stated that he understands Mr. Marshall's concern and that it not an uncommon concern for interest parties. This is a legitimate way to handle a PUD and he has been doing this for 25 years. This is typical for PUDs. The neighborhood will get more open space, which people can walk through with trails and sidewalks. This is a win-win situation for this development, but he does understand the controversy and concerns.

Ms. Cantrell stated that when this application was before the Planning Commission the first time she had voted for RS-2 zoning. She is not concerned with the bulk and area requirements, but she is concerned with the overall number of houses for an area that still has a rural atmosphere and she is concerned about traffic on the existing roads. She was a little frustrated that after the Planning Commission didn't approve the RS-2, the applicant went before the City Council and requested RS-3 and is now asking for the 600 dwelling units rather than 543. Ms. Cantrell indicated that she is still uncomfortable with 600 dwelling units and asked the applicant if he can remain at 543 or something

closer to an RS-2. In response, Mr. Terral stated that his client would like to keep it at 600 dwelling units, he feels that he is closer to RS-2 zoning than to RS-3 zoning regarding the maximum allowable dwelling units. The conceptual plan, which indicates 543 dwelling units, is probably relatively close to what will be done in terms of the layout. The conceptual plan will have to be modified to get the collector street and things of that nature. His client would like to keep the dwelling units at 600 as a buffer and he frankly believes it will be closer to somewhere between 600 and 543 dwelling units. It could also possibly be only 543 dwelling units, due to the topography and geometry of the site.

Ms. Cantrell expressed concerns that the open space would be used for dwelling units in order to reach 600 dwelling units. In response, Mr. Terral stated that if he returned with a preliminary plat that showed the open space gone, then the Planning Commission would deny as they should. This isn't the last time anyone will see this proposal. The preliminary plat will lay all of the proposal out and that will be the final site layout. That is when he will find out exactly how many units the site will accommodate, which will be very similar to the conceptual plan that was previously submitted. He can't get rid of the open space; it is not something that is allowed to be done with the PUD process and the PUD ordinance. It is something that the Planning Commission wouldn't approve anyway.

Mr. Marshall asked Mr. Terral if his clients would go for 60-foot lots rather than 50-feet. In response, Mr. Terral answered negatively.

Mr. Marshall commented that Mr. Terral is not giving anything at all. In response, Mr. Terral stated that he believes that he is giving. He is giving about 100 dwelling units that he could potentially get if this were straight zoning with no open space. There will be wet detention ponds that will be an esthetic asset to the property and be viewed from people driving through the site and around the site. There will be a wet detention pond on 11th Street and one 161st Street.

Mr. Marshall stated that there are not very many new subdivisions with 50-foot lots. In response, Mr. Terral stated that he could name a number of them in Broken Arrow, Owasso and other areas. This seems to be the growing trend in a lot of areas because of housing costs. Homes are running \$150,000 to \$160,000 range and they are starter homes or beginning homes. Land cost is astronomical and in order to afford those homes one has to have a decent job and usually two income families to afford these. Homeowners and interested parties have been concerned about how the project is going to look in terms of esthetics and upkeep and the homeowners association will make sure that happens.

Mr. Ard requested that interested parties make comments regarding the PUD only and keep comments brief.

INTERESTED PARTIES OPPOSING PUD-737:

Kevin & Christy Boggs, 1127 South 157th East Avenue, 74108; **Bruce Denny**, 9055 Lynn Lane Road, 74108; **Linda Bevens**, 17310 East 11th Street, 74108; **Charlotte Ker, representing Klea Myers**, 17401 East 11th, 74104; **Jim Mautino**, representing Tower Heights Association, 14628 East 12th, 74108.

COMMENTS OF INTERESTED PARTIES OPPOSING PUD-737:

Prefer that the lots were rural in nature and larger lots; surrounding homes are on acreages and this project should have large lots; Ms. Boggs indicated that she has 120 signatures of land owners who live on five or more acres; the proposal is a high density use for the subject area; the subject area has been developed historically residential estates, which are zoned RS-3, RS-1 and AG; the neighbors are not opposed to development, but do not want this type of development; cut the dwelling units down to 400 homes; the developer has gotten everything that he wants; RS-3 will allow 5.2 houses per acre and that would be putting six houses in the front yards of the existing homeowners; RS-3 would allow for duplexes with a special exception; the developer hasn't made any concessions to the existing neighborhood; surrounding property owners are upset about this proposal; City Council's action and the developers' actions have slapped the existing neighbors in the face; they are blatantly suggesting and requesting 600 homes with 1100 to 1200 SF partially brick homes with very little land with ten feet between the homes and possibly a 20-foot front yard and promising a little bit of green space; the existing neighbors have repeatedly told the land developer, the City Council and the Planning Commission that they are opposed to this, which is the existing neighbors area; this proposal is not fair to the existing neighbors who have built homes on acreages; do not allow the PUD and keep it as straight RS-3 zoning and knock the houses down to 400 dwelling units; preserve East Tulsa and not let it be the dumping ground for the starter small homes; the proposed density doesn't fit the subject area; the proposal is too small and too dense; concerned about drainage; 600 homes with concrete will increase the water runoff; safety issues with the increased traffic; 543 homes is what the applicant originally brought to INCOG and they should keep their integrity and remain at the 543 dwelling units; Ms. Ker stated that she missed meeting the filing of petitions deadline protesting this application with the City Council by two days and it would have represented 50% of the acreage and would require the City Council to have a 75% vote to approve the RS-3 zoning; the new lift station will not accommodate 600 dwelling units; Ms. Ker submitted letters of opposition (Exhibit A-1); Mr. Mautino explained that he is was instrumental getting the lift station for the sewer brought to the subject area; Mr. Mautino further explained that he had a developer who planned to develop the subject property with straight zoning and believed that only 100 acres could be developed with 400 to 450 homes; Mr. Mautino questioned the detention ponds versus retention ponds being considered common areas and their function; Mr. Mautino explained how PUDs function versus straight zoning; Mr. Mautino compared a PUD to "smoke and mirrors", which he doesn't believe are good for residential development, but are good for industrial sites; the subject site would

not allow for 600 dwelling units through straight zoning due to the topography and allowing for streets; Mr. Mautino stated that it would be better to go with the straight zoning because there is no open area that will benefit the people; Mr. Mautino commented that RS-2/PUD should have been approved for the subject property, but sadly the City Council approved RS-3 and he feels that it was misrepresented to the City Council. Mr. Kevin Boggs stated the following comments: A lot of the staff and City Council should be removed from their positions, the City Council has lost sight of who they are supporting, he is disappointed with the City Council and City Council staff who have slighted things and left things out, misrepresented things, and if the television and news stations would like to contact him he has plenty of information to show this, it is time for somebody who has character and integrity to stand up for the people in East Tulsa that has footed the bill for building these houses and property, the existing homeowners are not in East Tulsa for the money and have built the larger homes and cleared the land, the INCOG staff and the Planning Commission need to learn that they need to stand up for the people who are being represented in that area, which the District 6 Councilor missed that opportunity.

TMAPC COMMENTS:

Ms. Cantrell asked Ms. Boggs if she understood that if the Planning Commission doesn't approve a PUD on the subject property, then they can't do anything about the number of houses. If the applicant doesn't have a PUD, he can build 700 homes with the RS-3 zoning. Without a PUD, there is no way the Planning Commission can limit the number of houses. In response, Ms. Boggs asked if there is a way the Planning Commission can limit the number of houses. In response, Ms. Cantrell stated that only through a PUD could the Planning Commission limit the number of houses. Ms. Boggs stated that the existing neighbors were hoping for a maximum of 300 houses. This is the existing neighbors' area and they love the area. She wants development, but she wants the right kind of development. In response, Ms. Cantrell pointed out that without the PUD there is no way to limit the number of houses. In response, Ms. Boggs requested that the Planning Commission hold the developer to 400 homes.

Mr. Ard stated that Ms. Cantrell makes a good point. The subject land is zoned RS-3 and without any PUD the developer could build up to 700 houses. The way to control the development is through the PUD where it maintains some of the green areas. If the Planning Commission decided to not approve the 600 homes and recommended only 400 homes, they would probably remove the PUD and build whatever they can under straight RS-3 guidelines, which the City Council approved. The Planning Commissions' hands are tied because the decision has been made about zoning that is now outside of the Planning Commissions control.

Mr. Ard asked Ms. Boggs if she would like to submit her signatures she has collected for the record. Ms. Boggs stated that the City Council already has her signatures.

Mr. Ard informed the interested parties that the stormwater issues are addressed by Stormwater Management. The developer cannot create more runoff than was previously present. Streets are usually improved after the houses are built, once the City Council puts the street improvements on the Capital Improvements Projects list.

INTERESTED PARTIES IN SUPPORT OF PUD-737:

Dennis Crayton, 245 South 120th East Avenue, 74128, representing District 6 Community Council, stated that he is in support of the subject development. He understands the concerns of the other speakers, but East Tulsa is not one square mile, but is a very large district and roof tops are needed. Commercial development is also needed and that will not come if there are not roof tops in the subject area.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Crayton to indicate where he lives. In response, Mr. Crayton stated that he lives in the Western Village neighborhood and it is not on the subject zoning map. He lives roughly at Admiral and Garnett.

Applicant's Rebuttal:

Mr. Terral stated that he didn't change the number of dwelling units, because the original PUD proposal had 600 dwelling units and the Planning Commission requested a compromise of 543 or 541 dwelling units and RS-2; however, the PUD didn't go through at that time and the RS-2 zoning was not recommended for approval. His client decided to go before the City Council with the original proposal of RS-3/CS and 600 dwelling units. There has been a lot of misinformation spread around since the application was submitted. He commented that there is no need to be discussing the size of the homes and the amount of bricks on the homes because it is not pertinent. The size of homes and the façade of the homes have never been discussed by him. Duplexes are not allowed within the PUD and Use Unit 6, Single-Family Residences are the only thing allowed. When erroneous information is spread it is possible to get a lot of signatures on a petition. There have been rumors of a shopping center, condos, multifamily living and all of this is misinformation that tends to tip the scale in one direction.

Mr. Terral stated that it was his understanding that the interested parties opposing the subject proposal wouldn't have had enough signatures for a majority vote with the City Council because Mr. Milton indicated that he never signed a petition, but he did sign a letter. Only two percent of the landowners signed the petitions. Mr. Terral commented that he is not trying to "pull the wool over anyone's eyes" and this is all straightforward. It is irritating to have people infer that one is trying to be sneaky, etc. PUDs are not uncommon and Mr. Mautino has made several comments that he can't even begin to address because a number of them were incorrect. The detention ponds are wet

detention ponds and are not retention ponds, which are ponds that hold water and evaporate the water out for stormwater purposes. Detention ponds are proposed and the water will be metered out, but will maintain a level of water elevation for esthetic purposes and open space. The side of the hill with the trees is open space and it is valuable open space.

TMAPC COMMENTS:

Mr. Ard announced that the Planning Commission is not taking any more comments from the floor at this time.

Mr. Marshall asked Mr. Terral what number of dwelling units he had agreed on the first time this application was before the Planning Commission. In response, Mr. Terral stated that when he agreed to RS-2/PUD he believes it was 541 dwelling units; however, the PUD was not approved at that time and he decided to go with the original numbers and the original zoning.

Mr. Marshall asked Mr. Terral if his clients would agree to 543 dwelling units. In response, Mr. Terral answered negatively. In response, Mr. Marshall stated that he is going to make that motion so he better talk shop with Mr. Ramsey. In response, Mr. Terral answered negatively.

Ms. Cantees asked Mr. Terral what he planned to put in the common areas. Ms. Cantees stated that Mr. Terral is talking about placing 600 homes in the subject area and she assumes that there will be two people in each house. What facilities are planned for the common areas? In response, Mr. Terral asked if she is talking about playgrounds or swimming pools. He indicated that at this point that hasn't been decided. A good deal of the ridge will be left in its native state with the trees and a trail system going through it. Any more detail in terms of swing-sets, etc. it is too early to determine that. Usually this type of decision is made after the developer knows his project has been approved.

Ms. Cantrell stated that she understands that the zoning is now RS-3, but why is it that the developer could have done 543 dwelling units and now suddenly it is 600 dwelling units? Is this an unwillingness or inability? In response, Mr. Terral stated that his clients want the 600 dwelling units for the backup. The conceptual plan shows 543 dwelling units and possibly a few more units can be in there, but at this time he doesn't know. He explained that he was trying to compromise at that time and since it didn't pass, his clients wanted to go back to what they had originally proposed (RS-3, 135 acres; CS, 5 acres and 600 dwelling units). In response, Ms. Cantrell stated that, in other words, it is unwillingness and not an inability. In response, Mr. Terral stated that his client would like to stay with the original submittal.

Ms. Tomlinson stated that she would like to clarify the livability space. It is 2,000 SF per lot, as proposed today, but then there is a suggestion of a minimum aggregate of 2,000 SF per what ultimately the number of dwelling units would be

approved. If 600 dwelling units were approved, then with the minimum it would be 2,000 SF per dwelling unit and 120,000 SF of minimum aggregate livability space contained within the common areas. Basically, per individual lot and with this comment of the minimum that would be required and the aggregate livability common areas, it would put it at 4,000 SF of livability space per dwelling unit that would be required by the underlying zoning.

Mr. Carnes stated that the first time the application came through it was a 4-4-0 vote for RS-2/PUD with 541 dwelling units. He doesn't believe anyone expected more houses than that. It is within the Planning Commission's power to limit the dwelling units within the PUD and if the applicant doesn't like the recommendation, then it is his choice to follow the PUD as approved or go with straight zoning. He doesn't believe the applicant will be able to get 700 houses with straight zoning. Mr. Carnes indicated that he would not vote in favor of anything over 541 units in the PUD.

Mr. Harmon stated that when the Planning Commission sent the zoning case to the City Council without a recommendation he was very disappointed. The Planning Commission missed an opportunity and created more confusion than should have been. He believes that the developer is doing what is within his right by asking for the maximum because the Planning Commission turned him down previously when he agreed to settle for less and he doesn't hold that against him. Mr. Harmon commented that 541 dwelling units would be a good number. Then the developer decided to go with straight zoning and the Planning Commission hasn't helped anyone. The Planning Commission missed an opportunity previously and now the Planning Commission is paying for it.

Ms. Cantrell stated that she wouldn't be against allowing 550 dwelling units in order to give the developer some extra room. She personally isn't concerned with the lot area, but she is concerned with the number of homes that will be next to the existing neighbors and whether they will be all on one corner or spread out is irrelevant because they will have 550 new residents, whether they are on small or large lots. If the developer wants to develop this way and sees that it is the way of the market, then she is fine with leaving the bulk area and requirements as they have been proposed with the aggregate numbers.

Mr. McArtor asked why Mr. Carnes why he agrees with Mr. Mautino that 700 homes could never be developed on the subject tract with straight zoning. In response, Mr. Carnes stated that economically the developer will not spend the kind of money that it would take. The detention ponds are necessary to handle stormwater and that eliminates the acreage. In order to build on the ridge line (which is probably limestone) they would have to change all of the plans and most developers will not spend the money for that.

Mr. Harmon stated that to suppose the ridge line can't be developed because it is on an incline is selling the developer short. The ridge line is developable and it would be economical.

Mr. Ard stated that he was one of the Planning Commissioners at the first meeting to vote against it. He agrees with Mr. Harmon that the Planning Commission muddied the water. There is RS-3 zoning on the subject property and the developer could probably get more lots on the subject property with straight zoning than they can with the PUD. He would agree with Mr. Carnes that the PUD could be approved with a lower number of homes; however, the developer could pull the PUD and develop within the confines of RS-3 straight zoning, which would technically allow a higher number of lots. Straight zoning opens the door where a PUD is a known quantity.

Ms. Cantrell stated that the developer has just as much incentive to build with the PUD if the Planning Commission limits him to 543 dwelling units in order to have the 5500 SF lots.

Mr. Midget stated that he wasn't present for the first hearing on the subject property. He agrees with Mr. Carnes about the number of lots (541 or 543) and believes that is a reasonable number. The developer will not go out there and build 700 lots at one time under straight zoning. He doubts that they would sell like that either. This is fair and the most the Planning Commission can do to supply some protection for the neighbors.

Mr. Carnes stated that to back this all up, the applicant presented a PUD with 543 lots. He would make a motion to approve the PUD with 543 lots as originally presented.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-1-0** (Ard, Carnes, Cantrell, Cantees, Marshall, McArtor, Midget, Shivel, Wofford "aye"; Harmon "nays"; none "abstaining"; Miller "absent") to recommend **APPROVAL** of PUD-737, subject to limiting the PUD to 543 single-family lots as originally presented by the applicant, in addition to the minimum of 2,000 SF livability space per lot there shall be a minimum aggregate livability space contained within the common areas of 543 x 2,000 SF, per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-737:

A tract of land located in the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian. LESS AND EXEPT the E/2 of the E/2 of the E/2 of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian, **From AG (Agriculture District) To RS-3/CS/PUD (Residential**

Single Family/Commercial Shopping Center District/Planned Unit Development [PUD-737]).

TMAPC COMMENTS:

Mr. Marshall stated that he would like to say something to the homeowners in the subject area. He pointed out the existing zoning surrounding the subject property, is RS-3, RD and AG. He explained that a developer can come in and buy these properties and split those lots into smaller lots based on the zoning. Mr. Marshall recommended that the existing homeowners change their zoning so that this doesn't happen in the future.

Mr. Ard suggested they move on to the next application.

* * * * *

Mr. Harmon out at 3:10 p.m.

Application No.: PUD-599-1

MINOR AMENDMENT

Applicant: Randall S. Pickard

(PD-18c) (CD-6)

Location: West of the southwest corner of South 104th East Avenue and East 61st Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-599-D for the purpose of splitting Lot 2, Block 1, Commerce Center into two tracts, allocating floor area and uses and reducing the west building setback from 50 feet to 25 feet.

PUD-599-D was approved by TMAPC and City Council in October and December, respectively, of 2006 to allow 22,000 square feet for an auto wash and/or drive-in restaurant and 26,000 square feet for office uses (as permitted by right in OL districts). In keeping with the proposed lot-split per PUD-599-D-1, staff recommends allocating the 22,000 square feet for the auto wash/ drive-in restaurant to Lot 2A (north tract adjacent to East 61st St. S.) and the 26,000 square feet of floor area to Lot 2B (south tract adjacent to the hotel) for office uses.

The applicant is also requesting a reduction of the west setback to allow room for traffic circulation and the proposed tunnel car wash and future office use(s). The abutting property to the west is zoned RS-3, but is the location of the Union Public School 6th Grade Center. Staff finds the proposed reduction in setback to pose little impact to the adjacent school since PUD 599-D requires a minimum

six-foot screening wall or fence and five-foot wide landscaped buffer strip along the west boundary of Lot 2.

Functional access must be assured to each proposed lot. Therefore, TMAPC approval of a change of access will be necessary to recognize the existing driveway cut onto East 61st Street South. (Permitted access per the Commerce Center plat is located approximately 25 feet west of the existing access.) In addition, a mutual access easement covering the existing drive that is located along the east boundary of proposed Lot 2A will be necessary to provide functional access to proposed Lot 2B.

Therefore, staff recommends **APPROVAL** of PUD-599-D-1 subject to the following conditions:

1. Maximum 22,000 square feet of floor area for an Auto Wash/ Drive-in Restaurant permitted on proposed Lot 2A;
2. Maximum 26,000 square feet of floor area permitted for office uses (as permitted by right in OL districts) on proposed Lot 2B;
3. TMAPC approval of a change of access to cover the present driveway access onto East 61st Street South;
4. Filing of a mutual access easement which covers the existing driveway along the east boundary of proposed Lot 2A.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Carnes, Cantees, Cantrell, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Harmon, Miller "absent") to **APPROVE** the minor amendment for PUD-599-D-1, subject to the following conditions: 1) Maximum 22,000 square feet of floor area for an Auto Wash/ Drive-in Restaurant permitted on proposed Lot 2A; 2) Maximum 26,000 square feet of floor area permitted for office uses (as permitted by right in OL districts) on proposed Lot 2B; 3) TMAPC approval of a change of access to cover the present driveway access onto East 61st Street South; 4) Filing of a mutual access easement which covers the existing driveway along the east boundary of proposed Lot 2A, per staff recommendation.

* * * * *

Mr. Carnes out at 3:15 p.m.

Application No.: Z-7057

RS-4 TO OM

Applicant: David Riggs/Tulsa Development Authority (PD-2) (CD-1)

Location: Northeast corner of North Cincinnati Avenue and East Queen Street

STAFF RECOMMENDATION:

Z-6440 May 1994: All concurred in approval of a request for rezoning a 215+ acre tract of land from RM-1/RM-2 to RS-4 to comply with the Comprehensive Plan for that area by the TMAPC, on property located between Pine and Zion and between Peoria and Union Pacific Railroad and part of it being the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 37,800 square feet in size and is located northeast corner of North Cincinnati Avenue and East Queen Street. The property appears to be vacant and is zoned RS-4.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Cincinnati	Secondary arterial	100'	4
East Queen	N/A	N/A	2

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-4; on the north by single-family residential uses, zoned RS-4; on the south by the North Pointee Center, zoned CS; and on the west by single-family residential uses, zoned RS-3. It should be noted that Cincinnati Avenue is a heavily-traveled arterial, and at various times in the past one or more of the residences fronting it on the west have reportedly been used as office-type facilities.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 1 – NDP Area (an Urban Renewal area designation) and Medium Intensity-No Specific land use. According to the Zoning Matrix, the requested OM zoning **may be found** in accord with the Plan due to the site’s location within a Special District.

STAFF RECOMMENDATION:

This area is currently undergoing quality infill development. The North Pointee Center immediately south of the subject property contains office development and the proposed dental office would be compatible with that use. Several of the residential units in the area are newly constructed, and in the event the applicant proposes a two-story construction as allowed under OM zoning, at least one of the homes immediately adjacent to the site is a two-story unit and others have high and steeply-pitched roofs. Based on the Comprehensive Plan, nearby uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of OM zoning for Z-7057.

TMAPC COMMENTS:

Mr. Marshall asked staff if there would be a screening requirement for the single-family that this would back up to. In response, Ms. Matthews answered affirmatively.

INTERESTED PARTIES:

B. Dean Bullock, 784 East Queen Street, 74106, stated that she is president of the Dunbar Association that this property is a part of. Ms. Bullock indicated that she would prefer that the subject property remain residential because there are new homes directly behind it, which she expressed in a letter to Tulsa Development Authority (TDA) in 2005. If the Planning Commission chooses to approve the rezoning, she requests that Queen Street be closed at the subject property's property line so that traffic couldn't go through the neighborhood. Ms. Bullock indicated that there have been some serious wrecks in the subject area and the dentist office would add more traffic to the existing situation.

Ms. Bullock indicated that the residents agreed to allow the dentist office on the subject property with one condition, which is that the one block from Cincinnati to Detroit be closed by TDA. The new homeowners do not want the commercial entity coming into their area. Ms. Bullock submitted petitions (Exhibit B-1).

TMAPC COMMENTS:

Mr. Ard asked Ms. Bullock if he understood her correctly that she wanted Queen Street closed at Cincinnati. In response, Ms. Bullock stated that she wants Queen closed at the property line and she doesn't want a cul-de-sac. She would prefer a concrete barrier.

Mr. Midget stated that he believes that a request to close Queen Street has been made before and Traffic Engineering stated that it couldn't be closed. He understands that the neighborhood would only agree to the dentist office if Queen Street were to be closed. Mr. Midget asked Ms. Bullock if she would be opposed to the dentist office if Queen Street is not closed. In response, Ms. Bullock answered affirmatively.

Mr. Marshall stated that he needs clarification of where Ms. Bullock would like Queen Street closed. He asked if it is at Queen and Cincinnati or back to the end of the subject property. In response, Ms. Bullock stated that she would like Queen Street closed at the property line of the subject property (back of the subject property) before it enters into the residential area. Ms. Bullock further stated that she would prefer that the subject proposal be in a PUD. She indicated that she would be opposed to more commercial uses along the subject area.

Mr. Marshall asked Ms. Bullock if OL versus OM was discussed at the neighborhood meeting. In response, Ms. Bullock answered negatively.

Ms. Bullock asked if this application could be continued because there has been a problem with TDA and initiating the closing of the street. She doesn't believe it should be the homeowners' responsibility to close Queen Street. TDA should do this and they do not want to step up and assume that responsibility.

Mr. Marshall asked Ms. Bullock if she has discussed these issues with the owner of the dental office. In response, Ms. Bullock stated that she has discussed this with the owner.

Mr. Ard stated that there doesn't seem to be anyone from TDA present today.

Applicant's Comments:

David Riggs, 9908 East 21st Street, 74129, representing the dental office, stated that the ingress/egress for the office would be directly off of Cincinnati. He doesn't believe that his proposal would put any additional traffic onto Queen Street.

Mr. Riggs explained that he would like to build a two-story office building with a green roof to match the North Pointe Center. There will be a brick veneer and stucco above that. There will be approximately 11,000 SF and will be a large dental office with multiple dentists. The office will accept traditional patients who have insurance, as well as cash-paying customers and people who are on State assistance. This is a service that is needed in the subject area. Hours of operation would be Monday through Thursday: 9:00 a.m. to 9:00 p.m. Mr. Riggs indicated that there would be screening between the subject property and the residences. Parking for employees will be to the north of the building. There will be no windows facing the residences.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Riggs if he had considered a PUD. In response, Mr. Riggs stated that he hasn't explored a PUD, but he probably wouldn't because it sounds as if it would be more work than he would want to put out to build the building. Ms. Cantrell stated that the only problem with straight zoning is that

there is no guarantee that it will remain as proposed. Straight zoning doesn't allow for a lot of protection to the neighborhood.

Mr. Riggs stated that closing the street at the point Ms. Bullock is suggesting wouldn't cause his office any problems because the proposal is for entering and exiting off of Cincinnati.

Mr. Marshall asked Mr. Riggs if he has looked at any other places along Pine Street. In response, Mr. Riggs stated that he has been looking for approximately six months and had a lot one mile over from the subject property. TDA is offering this lot and it is an excellent location. Size of the lot was important to meet the parking requirements and there is not a lot of buildable space in the subject area. Mr. Riggs cited the various properties and uses in the subject area. He commented that the properties that face Cincinnati would be difficult to develop as residential due to the traffic and noise.

Mr. Ard asked Mr. French if he has had any conversations with TDA regarding the possibility of closing Queen Street between Cincinnati and Detroit. In response, Mr. French stated that the TDA staff did call his office and indicated that neither their buyer nor neighborhood association was interested in funding any construction. The only information his office gave the TDA staff was that the safety requirements of a cul-de-sac to be done safely. There was no further discussion or application to Public Works.

Mr. Ard asked Mr. French if someone would have to come up with the money or show good cause for the City to fund it. In response, Mr. French stated that the City Council could provide funds to Public Works as a Capital Improvement Project.

INTERESTED PARTIES:

Corey Myers, 1606 North Detroit Avenue, 74106, stated that his property backs up to the subject property, which will affect him and his neighbor next door. He indicated that he signed a petition for the street to be closed. He expressed concern for his children's safety. Mr. Myers stated that if the street could be closed he would greatly appreciate it for the safety of the children in the neighborhood.

TMAPC COMMENTS:

Mr. Wofford stated that there seems to be an issue with traffic whether this property is developed for a dentist's office or not. Mr. Wofford asked Mr. Myers if he believes the dental office would make the existing traffic problem worse. In response, Mr. Myers stated that he believes that it would bring in more traffic, especially with the hours of operation. He indicated that he is not opposed to it because it would be a positive thing for the community. There is a concern about more traffic being brought into the neighborhood and subject area. Mr. Myers

expressed the possibility of the parking lot being full and overflow parking would occur in his neighborhood.

Mr. Midget asked Mr. Myers who he would suggest pay for the street closing. In response, Mr. Myers suggested that TDA pay for the street closing.

Mr. Wofford asked Mr. Myers if the street were to be closed, would he be in agreement with the dental office. In response, Mr. Myers stated that he doesn't have a problem with the dental office as long as the street is closed. He did express concerns with the parking lot lights and dumpster locations. Mr. Myers thought this would be something he could discuss with the applicant to resolve those issues.

Mr. Boulden stated that he doesn't believe that office zoning requires a screening fence, but the use does require a screening fence.

Mr. Midget stated that he is particularly interested in this piece of property because of his history with the whole development of the subject area. The subject property was under an application several years ago with a proposed funeral home and was denied. He believes that the dental office is a less intense use, but it is straight zoning for a dentist office and he isn't sure that is what it would be six years from now. If the subject property were rezoned through straight zoning and the applicant decided to sell the property to someone else that use would fit into this property, which is a funeral home. Mr. Midget commented that this is an intrusion and it would encourage further commercial or office development along the corridor. North Pointe has had some major tenants move out and there is office space available for dental offices. There has been a long-term press to keep the subject property as residential and the houses do not have to face Cincinnati. Mr. Midget cited how the street could be reconfigured to build new houses facing in the interior and compliment the existing homes in the subject area. He understands that the North Tulsa area needs businesses and services, but he believes that having this proposal just for the sake of having businesses and offices is not always the best way to develop land. He personally couldn't approve of this use without the street being closed as the neighbors have requested. Straight OM zoning allows too many different uses that could be intrusive. Mr. Midget concluded that because he lives in the subject area he doesn't look at the immediate, but at the long-term, and how it would impact the area ten years from now.

Mr. Boulden stated that he would like to make a correction regarding the screening. He explained that there is not a use condition for a screening fence on the office zoning. However, by operation of what uses are allowed in the OM zoning determines that a screening fence is required.

After a lengthy discussion it was determined that the applicant should file a PUD with the rezoning application. Mr. Alberty informed the Planning Commission that TDA could apply for the zoning with a PUD and the fees are waived.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-1-0** (Ard, Cantees, Cantrell, Marshall, Midget, Shivel, Wofford "aye"; McArtor "nay"; none "abstaining"; Carnes, Harmon, Miller "absent") to recommend **DENIAL** of the OM zoning for Z-7057.

Mr. McArtor out at 3:50 p.m.

Application No.: CZ-386

AG TO IL

Applicant: Tommy Hall

County

Location: South of the southeast corner of East 116th Street North and North Yale Avenue

STAFF RECOMMENDATION:

PUD-717 August 2005: All concurred in approval of a proposed Planned Unit Development on a 22± acre tract of land for commercial and storage use, per conditions, on property located on the southwest corner of East 116th Street North and U.S. Highway 75.

CZ-351 April 2005: All concurred in denial of a request for rezoning a 12.49± acre tract of land from AG to IH, but approval of IL on property located on the southeast corner of U.S. Highway 75 and East 116th Street North.

CZ-335 April 2004: A request to rezone a 21-acre tract located on the southeast corner of East 116th Street North and North Yale Avenue from AG to IL or CG for a metal fabricating business was approved for IL on the west half of the tract. The balance of the property remained AG.

CZ-333 January 2004: A request to rezone a tract of land from AG to IL or CG was filed. Staff recommended denial of both the IL and the CG as the property was designated as a Corridor Intensity- Agricultural district. The request was amended by the applicant and all concurred in approval to rezone the north 660 feet to IL, leaving the southern portion of the tract AG on property located on the southwest corner of East 116th Street North and U.S. Highway 75.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately ten acres in size and is located south of the southeast corner of East 116th Street North and North Yale Avenue. The property appears to be vacant/agricultural and large-lot single-family residential in use and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Yale Avenue	Secondary arterial	100'	2

UTILITIES: The subject tract has no municipal water or sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by vacant (possibly agricultural in use) land, zoned AG; on the north by large-lot single-family residential use and farther north at the southwest corner of the intersection of North Yale and East 116th Street North by a salvage yard that is well-screened, zoned AG and IL respectively; on the south by a large-lot single-family residence and a cemetery, zoned AG; and on the west by U.S. Highway 75, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within a Corridor. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

This property may be appropriate for industrial-type uses at some point in the future, but to recommend that at this time would be spot zoning. Many of the single-family residences south of this site appear to be of recent construction. Moreover, the roadway is somewhat narrow and is lined with borrow ditches. If developed as an industrial use at this time the property immediately north of it can be expected to apply for industrial zoning in the near future, and at that point, industrial zoning might be appropriate for both properties. Therefore, staff recommends **DENIAL** of IL zoning for CZ-386.

Applicant's Comments:

Tommy Hall, 11308 North Yale, Sperry, Oklahoma 74073, stated that he would like to rezone the subject property to IL in order to work at home. He explained that he may sell farm equipment. Mr. Hall cited the surrounding properties and their uses. He indicated that he has no income coming in and it is important to him to obtain the rezoning in order to make a living. He has people willing to help him if he can get the zoning change. Mr. Hall commented that selling farm

equipment is the last resort. Mr. Hall concluded that he wouldn't be doing anything on the subject property to corrupt the area.

TMAPC COMMENTS:

Mr. Ard stated that the subject property is surrounded on three sides with AG and to put an IL tract in the middle of AG land wouldn't conform with the land uses adjacent to it. In response, Mr. Hall stated that he has talked with all of his neighbors and they are in support of what he is doing.

Mr. Shivel stated that the Planning Commission has to consider that the applicant may not be the owner of the subject property forever and IL allows certain types of uses that the neighbors may not find as appealing as the proposed use. In response, Mr. Hall indicated that he understood the Planning Commission's concern.

INTERESTED PARTIES:

W. Knigge, 7306 East 116th N, Collinsville, OK 74021, stated that he owns property directly across the street from Mr. Hall. He indicated that he is anticipating that in the future to have a PUD development. Mr. Knigge pointed out the existing IL property and the Cherokee Industrial Park location. He understands that Mr. Hall wants to sell farm equipment on the subject property and might involve some light shop activity. He believes that this is appropriate use and to have IL or CG zoning. Mr. Knigge concluded that he in support of Mr. Hall.

TMAPC COMMENTS:

Mr. Ard asked Mr. Hall if the house next to his property is occupied. In response, Mr. Hall stated that it is occupied. Mr. Hall indicated that he talked with the lady who owns the house and she didn't have a problem with the proposal.

Ms. Cantrell stated that she is confused by the letter received regarding this application. The letter indicates that they are against the rezoning to IL and believe that selling farm implements is more fitting to a commercial business than industrial use.

In response, Ms. Cantrell, Mr. Hall stated the farm equipment was actually his last resort and the reason why he mentioned the farm equipment is because he had to get something started, but he can totally scratch the farm equipment off as a use. He suggested he could do mini-storage, a feed store, etc.

Ms. Cantrell asked Mr. Hall if he is stating that he is not going to sell farm equipment. In response, Mr. Hall stated that he can eliminate the farm equipment.

Ms. Cantrell stated that she is not recommending that the applicant should or should not sell farm equipment, but she is trying to figure out what his intent is.

In response, Mr. Hall stated that he wants to keep everyone happy, but right now he doesn't have any income coming in and he has to do something quick.

Mr. Hall stated that he noticed that Quik-Trip is building a store and he doesn't have as much money as they do, but he would like the opportunity to put his money to work so he wouldn't have to sell drugs or do illegal stuff.

Ms. Cantrell stated that she believes that the way the subject property is shaped makes her very uncomfortable to leave one little spot of residential surrounded by IL. She understands that there are some IL properties within the subject area, but she agrees with staff that this is spot zoning. Ms. Cantrell indicated that she can't support the IL zoning.

Mr. Wofford asked staff if salvage yards are ever reclaimed or once there they are always there. In response, Mr. Alberty stated that they usually stay there. The salvage yard was started prior to 1980 when the County started their zoning. Since it was nonconforming it can exist, but it can't expand.

Mr. Alberty stated that currently the IL uses are nonresidential and confined to the intersection corners. In the future this property may be IL, but an approval of this application would probably allow industrial to extend south. Staff believes it is premature to make the decision of IL at this time, especially when it would be isolated and surrounding other AG properties that are being used as rural-residential.

Mr. Ard stated that he would have to agree with staff and Ms. Cantrell. He is concerned with the configuration and surrounding of the one house. There are AG residential areas around this proposal.

Ms. Cantees recognized Mr. Hall.

Mr. Hall stated that he understands what the Planning Commission is saying, but across the highway there is a home and there is commercial all the way around it and he wants to do the same thing they have done. He doesn't understand how they can get it done and he can't.

Mr. Midget stated that the property Mr. Hall is describing is in a PUD.

Mr. Hall explained that the home that he would be surrounding is owned by an elderly lady and she doesn't have a problem with his proposal. He indicated that he has made a deal with the lady that he would purchase the home when she determines she no longer needs the home. Mr. Hall stated that he moved out of the City of Tulsa in order to do this type of business. Mr. Hall commented that he is trying to do something on his own and now he is being shot down.

Mr. Midget informed Mr. Hall that the property that he is referring to across the highway to the west is within a PUD and that is why they were able to get the IL zoning. A PUD has protections that straight zoning doesn't have.

Ms. Cantrell reminded Mr. Hall that he is requesting IL and claims that everyone is in agreement with what he is trying to do; however, he could sell the property to someone else and they could do something that the elderly lady in the house wouldn't like, which puts her at a risk. Straight zoning goes with the land and anyone can come in do anything that falls under IL zoning. There are some intrusive types of uses under IL zoning. In response, Mr. Hall stated that he understands what the Planning Commission is saying, but he would never sell his property. He plans to leave his property to his kids and grandkids.

Mr. Hall stated that he has been injured and can no longer work and he needs the IL zoning to earn a living. If he doesn't get the IL zoning it would be basically kicking him back out into the street.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **5-2-0** (Ard, Cantrell, Marshall, Midget, Shivel "aye"; Cantees, Wofford "nays"; none "abstaining"; Carnes, Harmon, McArtor, Miller "absent") to recommend **DENIAL** of the IL zoning for CZ-386 per staff recommendation.

Application No.: Z-7004-SP-1

CORRIDOR SITE PLAN

Applicant: Mike Marrara/Harden & Associates (PD-17) (CD-6)

Location: South of southwest corner of South 129th East Avenue and East 7th Street

STAFF RECOMMENDATION:

BOA-20462 March 2007: A request for a Variance of the required front setback from 200 feet to 65.4 feet to utilize an existing structure was withdrawn staff finding the request not necessary on subject property.

BOA-20392 December 12, 2006: The Board of Adjustment approved a Variance of the required front setback from the centerline of an abutting street in a CO district from 200 feet to 120 feet, per plan, on subject property.

Z-7004 November 2005: A request for rezoning a 1.06± acre tract of land from RS-2 to CG or CO on property located south of southwest corner of South 129th East Avenue and East 7th Street and the subject property. The TMAPC and City Council approved CO zoning for this tract of land.

Z-6726/PUD-623 December 1999: Approval was granted to rezone a 112' x 130' tract located on the southeast corner of East 5th Street South and South 129th East Avenue from RS-2 to CG with a Planned Unit Development for the proposed development for offices and commercial use.

Z-6720/PUD-618 October 1999: A request to rezone a 2.12-acre tract located south of the southwest corner of East Skelly Drive and South 129th East Avenue from CO to IL. TMAPC recommended approval of the requested IL and the PUD subject to conditions as recommended by staff.

Z-6691/PUD-609 May 1999: The City Council denied a request to rezone a 112' x 130' tract located on the southeast corner of East 5th Street South and South 129th East Avenue from RS-2 to CG for a mixed commercial development. (See Z-6726/PUD-623)

Z-6485/PUD-537 July 1995: A request to rezone seven lots located on the southeast corner of East 4th Street and South 129th East Avenue from OL and RS-2 to CG with a PUD for a proposed mini-storage facility on the tracts fronting South 129th East Avenue with the remaining eastern lots for residential. All concurred in approval of CG/PUD subject to conditions.

Z-6439/PUD-509 May 1994: Approval was granted to rezone a 1.7-acre tract located south of the southeast corner of East 5th Street and South 129th East Avenue from RS-2 to CG and a PUD for a proposed retail, warehouse and office development.

BOA-19854 July 2004: A request to allow Use Unit 17 – automobile sales in a CS-zoned district on property located on the northwest corner of East 11th Street and South 129th East Avenue and south of the subject property.

Z-6302 December 1990: All concurred in approval of a request to rezone a tract from RS-2 to CG for general commercial use, located west of the northwest corner of East 11th Street and South 129th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property contains approximately one acre. It is gently sloping, non-wooded and contains a single-family residence, and is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 129 th East Avenue	Secondary Arterial	100 feet	Four

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

SURROUNDING AREA: The property is abutting single-family dwellings, zoned RS-2 on the north and west; on the south by mixed residential/industrial and commercial uses, zoned RS-2; farther south at the northwest corner of East 11th and South 129th East Avenue is an auto sales lot, zoned CS; and to the east across South 129th East Avenue is vacant land, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-Linear Development, and also within a designated Corridor District. According to the Zoning Matrix, the proposed corridor development **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Initial corridor zoning for the one acre site was approved by TMAPC and Council in October and November, respectively, of 2005. The proposed corridor site plan is for a heating and air-conditioning service business. Development will include a 6,000 square foot equipment storage building and an existing house, which will be converted to office use and will be used as such until construction of a sanitary sewer main line extension to the property. Upon completion of the sewer main, the existing house/office will be demolished and 800 square feet of office space will be added to the storage building. The Board of Adjustment approved a variance of setback requirements for the proposed storage building; the existing residential structure was determined to be legal nonconforming and will be permitted to remain (until demolished) in accord with the provisions of Chapter 14 of the Tulsa Zoning Code.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-7004-SP-1 to be: (1) consistent with Corridor Zoning; (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 Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7004-SP-1 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:**

LAND AREA: 1.056 acres 45,986 square feet

PERMITTED USES:

Those uses permitted by right within the CG District, including Use Unit 15, Other Trades and Services, and uses customarily accessory thereto.

MAXIMUM BUILDING FLOOR AREA (30%): 13,796 SF

MINIMUM LOT FRONTAGE: 150 FT

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 45 FT

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

Future buildings:

From the centerline of South 129th East Avenue 120 FT
From the north, west, and south boundaries 17.5 FT

Existing building:

From the centerline of South 129th East Avenue 65.3 FT

LANDSCAPED AREA:

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

SIGNAGE:

One ground sign not exceeding 16 feet in height and 160 square feet in display surface area shall be permitted along South 129th East Avenue.

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. No west-facing wall signs shall be permitted.

PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION:

Vehicular access onto South 129th East Avenue shall be permitted at the one existing driveway that was constructed in conjunction with the improvements to South 129th East Avenue. The existing sidewalk along South 129th East Avenue shall be retained and maintained.

SITE LIGHTING:

Exterior light standards shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the corridor site plan. 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 adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. 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.
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 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 the Corridor Site Plan conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. 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.
12. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

TAC Comments from 5-17-07:

General: No comments.

Water: A 12-inch existing water main can be connected to for water services.

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 the distance requirement shall be 600 feet.

Stormwater: An Overland Drainage Easement will be required to convey public drainage across this property. A Stormwater Pollution Prevention Plan will be required for this site, if the entire site is disturbed by development.

Wastewater: No comments.

Transportation: No comments.

Traffic: Driveway width shall be a maximum of 36-ft with an adequate commercial radii.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: South 129th East Avenue is a designated secondary arterial. Sidewalks should be included in the development per subdivision regulations.

L RTP: South 129th East Avenue is an existing and planned four lane arterial.

TMP: No trails planned in vicinity.

Transit: Currently, Tulsa Transit operates an existing route (111) on South 129th East Avenue between Admiral and East 11th Street South

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Miller "absent") to recommend **APPROVAL** of the corridor site plan for Z-7004-SP-1 per staff recommendation.

Legal Description for Z-7004-SP-1:

S/2 NE/4 NE/4 SE/4 SE/4 Section 5, T-19-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA, LESS THE EAST 50.

OTHER BUSINESS:

Application No.: Z-7008-SP-1

CORRIDOR DETAIL PLAN

Applicant: Sack & Associates

(PD-8) (CD-2)

Location: South of the southwest corner of West 71st Street South and South Olympia Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for 242,930 square feet of retail shopping space. The proposed use, Use Unit 14, Shopping Goods and Services, is in conformance with Development Standards of Z-7008-SP-1.

Proposed floor area, building heights, setbacks, parking, parking lot lighting, building materials and landscaped areas are in conformance with development standards. Pedestrian access is proposed along South Olympia Avenue and through parking lots as required. However, the proposed 1/3 mile long service drive with multiple pedestrian crossings that runs in front of and along the westernmost shopping center does not provide sufficient, if any, traffic calming. Additional design elements such as small traffic circles, curb extensions, planters, perceptual design features and curves and/or shifts in alignment of the service drive should be incorporated. Traffic calming should not be limited to stop signs and traffic humps.

Therefore, staff recommends **APPROVAL** of Z-7008-SP-1 detail site plan for Lot 3, Block 1, Tulsa Hills subject to addition of design elements beyond traffic humps and stop signs for the service drive that runs in front of and along the westernmost shopping center.

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

Ms. Tomlinson indicated that the applicant has provided a revised site plan and staff has had the opportunity to review it. Staff finds this to be a sufficient design change to provide some traffic calming as intended by the development standards of the corridor site plan. Staff recommends **APPROVAL** of Z-7008-SP-1 subject to the revised drawings that provide for the traffic calming.

TMAPC COMMENTS:

In response to Mr. Ard, Ms. Tomlinson explained the changes that were recommended for traffic calming.

Mr. Ard asked if this is a narrowing of the traffic flow.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that it is not a narrowing of the traffic, but a diversion of the traffic so that it has to go out and around an area. The bump-outs are correlated with the pedestrian areas and it slows the traffic down because it doesn't create a straight shot for traffic flow. There are three breaks within the plan to slow traffic down with stop signs at the main entryway.

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, Marshall, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Miller "absent") to **APPROVE** the corridor detail plan for Z-7008-SP-1 per staff recommendation, subject to the revised corridor detail plan provided 6/6/07, which provides for the traffic calming.

There being no further business, the Chair declared the meeting adjourned at 4:21 p.m.

Date Approved:

June 27 '07


Chairman

ATTEST:

Deji Otes
Secretary