

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2485

Wednesday, July 11, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 6, 2007 at 9:43 a.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 1:33 p.m.

REPORTS:

Comprehensive Plan Report:

Mr. Alberty reported that RFP has been concluded and is being reviewed. Hopefully a consultant will be hired before the end of 2007.

Director's Report:

Mr. Alberty reported on the City Council agenda.

Ms. Matthews reported that the APA sent a brochure with the last publication of the APA magazine. She encouraged the Planning Commission to review their brochure because there are several audio conferences that would be helpful for continuing training. She reminded the Planning Commission that INCOG has CDs available as well. Ms. Matthews informed the Planning Commission to let staff know if they are interested in any of these programs so that they can make arrangements.

Mr. Ard thanked staff for sending out the list of the library items that are available to the Planning Commission.

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

1. CONTINUANCE REQUEST AGENDA

PUD-711-1 – Roy D. Johnsen (PD-17) (CD-6)

16714 East 50th Place South & 5033 South 168th East Avenue (PUD Minor Amendment) (**Applicant has requested a continuance to July 18, 2007.**)

STAFF RECOMMENDATION:

Mr. Johnsen has requested a continuance to July 18, 2007, due to a scheduling conflict.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to **CONTINUE** the minor amendment for PUD-711-1 to July 18, 2007.

2. 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-20082** – John Arnold (4320) / Lot-Split (PD 6) (CD 9)
2627 East 33rd Street
- b. **L-20105** – Daniel Flores (0333) / Lot-Split (PD 3) (CD 3)
740 North Sandusky
- c. **L-20106** – Susan Atherton (2113) / Lot-Split (County)
7142 North Victor

- d. **L-20107** – Susan Atherton (2113) / Lot-Split (County)
1702 East 72nd Street North
- e. **L-20108** – Robert McGuire (9234) / Lot-Split (PD 8) (CD 2)
5818 South 31st West Avenue
- f. **L-20110** – Matt Thomason (1432) / Lot-Split (County)
11701 East 72nd Street North
- g. **L-20111** – Metro Lofts, LLC (9307) / Lot-Split (PD 6) (CD 4)
1426 South Quincy
- h. **L-20113** – Harden & Associates (1312) / Lot-Split (County)
8814 East 116th Street North
- i. **L-20115** – Sisemore Weisz & Associates (9323) / Lot-Split (PD 17) (CD 5)
West of northwest corner of East 31st Court and 79th East Avenue
- j. **L-20116** – Sack & Associates (8324)/Lot-Split (PD 26) (CD 8)
Northeast corner of East 98th Street and 84th East Avenue
- k. **LC-53** – Pamela Carter (0331)/Lot Combination (PD 2) (CD 3)
1725 East Marshall Place
- l. **LC-54** – William Ragan (9010)/Lot Combination (County)
21841 West 14th Street
- m. **Lot 2A, Block 1, Commerce Center Plat** – (PD 18C) (CD 7)
(8406)/Change of Access
South of East 61st Street South, East of South Mingo Road

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 61st Street South. The property is zoned IL under PUD-599-C.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON** TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to **APPROVE** the consent agenda Items 2.a. to 2.m. per staff recommendation.

3. PUBLIC HEARING

L-20109 – Harden & Associates (9329)/Lot-Split (PD 6) (CD 9)

South of East 45th Place, East of South Columbia Avenue

STAFF RECOMMENDATION:

The proposal is to split one tract into three parcels, tying each proposed parcel to an abutting tract. All resulting tracts would meet the RS-1 bulk and area requirements; proposed Tracts 1 and 2 will result in having more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

Although the existing tract on Columbia Place currently has an approved septic system, at their June 21, 2007, meeting, the Technical Advisory Commission requested that the sanitary sewer mainline be extended south along the eastern boundary of the property being split to abut proposed Tract 3.

Staff believes this lot-split would improve the existing lot configuration and would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to the sanitary sewer mainline being extended to meet Development Services' requirement.

TMAPC COMMENTS:

Mr. Ard asked if the sewer line was waived it would have any impact on the staff recommendation. In response, Ms. Chronister stated that it wouldn't cause any problems and should the waiver be granted, then the applicant would automatically meet the requirements.

Mr. Marshall asked staff to explain how the subject lot has more than three sides. In response, Ms. Chronister demonstrated how the subject lot has more than three sides. Mr. Marshall commented that he doesn't see the subject property having more than three sides, personally.

Mr. Marshall asked if any of the houses on the subject properties will be demolished. In response, Ms. Chronister stated that the subject property being split is vacant at this time and the other three lots do have dwellings on them and there is no anticipation for future development.

In response to Mr. Marshall, Ms. Chronister explained where the sewer line expansion would be. Regarding whether sewers have been replaced on Columbia Place, Ms. Chronister stated that she has made calls to Development Services and they haven't returned her phone calls.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-20109, subject to the sanitary sewer mainline being extended to meet Development Services' requirement per staff recommendation.

Shwiyat Estates – (9311)/Minor Subdivision Plat (revised) (PD 5) (CD 5)
North of 21st Street South, West of South Memorial Drive

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.89 acres.

The following issues were discussed June 21, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS, RS-3.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** Water is available.

5. **Storm Drainage:** Please add the word “Stormwater” to the label for the “Stormwater Detention Easement”. In the “Note”; please change the word “Detail” to “Detention”, and remove the words “As shown in the site plan”, unless the site plan being referenced is to be filed with the plat. Suggested language for the note would be, “The stormwater detention easement is located on a paved parking lot.” The language in Section II.F must be modified for one lot, one block owner; and to reflect a title change to, “F. Stormwater Detention – Parking Lot.” To coincide with plat label changes, line 4 of F.1 should read “Stormwater detention easement.” On line 6 of F.1, change “Various Lots” to “Lot”. Remove the F.4.a that begins with “Grassed areas shall be mowed”. Remove the word “Channels” from F.4.c. In F.6: On line 8, replace the word “Association” with “Owner” and at the end of line 11 and beginning of line 12, replace the words “Each within” with “Lot 1, Block 1”. In F.6 on lines 12 and 13, remove the sentence that begins with “Provided However” and ends with “The Costs.”
6. **Utilities: Telephone, PSO, ONG, Cable:** Okay.
7. **Other: Fire:** The new building will require additional fire hydrant protection. Legal description has been amended to include bearings and distances and tie to the southeast section corner; the section corner, point of commencement and point of beginning need to be shown on face of plat. Lot line dimensions after right-of-way dedication need to be shown. Clarify the basis of bearing with regard to section, township, and range. Minor editing is needed.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

Interested Parties Comments:

Frances Cervantes, 1736 South 79th East Avenue, 74112, expressed concerns with drainage issues and the detention area.

Ms. Fernandez explained the location of the detention area to Ms. Cervantes away from the microphone.

Ms. Matthews reminded the Planning Commission that this is one of the issues where Stormwater Management will decide and they will dictate what happens on the subject property and the Planning Commission has no control over this issue.

Mr. Ard asked Ms. Cervantes if she was opposed to the subject project. In response, Ms. Cervantes stated that she believes she is in agreement with the project. Ms. Cervantes reiterated her concerns about stormwater runoff.

Shirley Hammons, 1723 South 79th East Avenue, 74112, expressed the same concerns as Ms. Cervantes regarding drainage. She indicated that she is not opposed to the project as long as Stormwater Management is involved.

Applicant's Comments:

Alan Bates, engineer for the project, stated that the drainage will continue to be directed across the lot to the north. The drainage pattern has not been changed. The detention area is being installed to take care of the extra runoff due to the pavement of the area.

TMAPC COMMENTS:

Mr. Ard stated that Mr. Bates would not be adding any additional runoff to adjacent properties, which is in accordance with stormwater guidelines. In response, Mr. Bates agreed with Mr. Ard's statement.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to **APPROVE** the minor subdivision plat for Shwiyat Estates, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Application No.: Z-7035

RS-3 TO CS

Applicant: Richard Gardner

(PD-18c) (CD-7)

Location: South of southeast corner South Mingo Road and East 61st Street

STAFF RECOMMENDATION:

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

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

PUD-390-B April 2003: All concurred in the approval of a major amendment to PUD to allow Barber and Beauty Shop uses in Development Area B of previously approved PUD-390-A per staff recommendation and as modified by TMAPC.

PUD-390-A January 2002: Staff recommended denial on a request for a major amendment to PUD-390 to create two development areas in the PUD and allow a bank with drive-in facilities in Area A and office uses within Area B on property located on northeast corner of East 61st Street and South 89th East Avenue. The TMAPC approved it per modifications as recommended by staff pertaining to screening, landscape and traffic.

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

PUD-599-C September 2001: All concurred in approval of a Major Amendment to a PUD to permit automobile body repair center and coffee shop on Lot 1 of PUD-599-A on a 1.52± acre tract located east of subject property, subject to modifications and conditions as recommended by the TMAPC.

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

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

Z-6725 December 1999: All concurred in approval of a request to rezone a 34.78± acre tract from CO to AG for church and accessory uses on property located on the southeast corner of East 66th Street and South Mingo Road.

Z-6718 October 1999: A request to rezone a 1.18-acre tract located on the northeast corner of East 66th Street S. and S. 101st East Avenue, apart of the subject tract, from RS-3 to CO was approved by TMAPC and the City Council.

PUD-599-A August 1999: All concurred in approval of a major amendment located north of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

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

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

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

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located as part of the subject tract and south of the southeast corner of E. 65th Place S. and S. 103rd East Avenue from RS-3 to CO.

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

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

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2± acres in size and is located south of the southeast corner of East 61st Street and South Mingo Road. The property appears to be vacant, lightly wooded and zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Mingo Road	Secondary arterial	100'	4 lanes
East 61 st Street South	Secondary arterial	100'	4 lanes

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned RS-3; on the north by a retail strip and gas station, zoned CS; on the south by vacant land, zoned CS/CO and on the west by vacant land, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Corridor/Low/Medium Intensity – No Specific Land Use. Because this property lies within a Corridor designation, it may be developed at either the low or medium intensity designation. The requested CS zoning is in accord with the Medium Intensity designation.

STAFF RECOMMENDATION:

The applicant has recently purchased one of the remaining parcels to include in the Mingo Road frontage, and intends to include the parcel he already owns south of subject property (and already zoned CS) within a new development. Based on surrounding uses and zoning, as well as the Corridor designation in the Comprehensive Plan, staff recommends **APPROVAL** of CS zoning for Z-7035.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Harmon stated that this is an appropriate zoning for the subject property.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to recommend **APPROVAL** CS zoning for Z-7035 per staff recommendation.

Legal Description for Z-7035:

South half of Lot 3, Block 3, South half of West half of Lot 2, Block 3, and South 100', North 200', of South half of Lot 4, Block 3, Less the West 10' for Street, Union Gardens, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the plat thereof, **AND** The North 100' of the S/2 of Lot 4, Block 3, Union Gardens, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded Plat thereof, LESS and EXCEPT the West 20' thereof; **From RS-3 (Residential Single Family High Density District) To CS (Commercial Shopping Center District).**

Application No.: Z-7062

RS-4 to CS

Applicant: Sisemore, Weisz & Associates/TDA (PD-4) (CD-4)

Location: Southwest of southwest corner East 3rd Street and South Lewis

STAFF RECOMMENDATION:

Z-6712 October 1999: All concurred in approval of a request for rezoning a 3.11± acre tract of land from CS to RS-4 on property located on the west side of South Lewis, from East 4th Street to East 5th Street and the subject property being apart of this rezoning.

BOA-17994 April 14, 1998: The Board of Adjustment approved a Special Exception to permit Use Unit 17 limited to auto sales only; a Variance to allow outdoor display of merchandise for sale within 300' of residential district finding that the size of the lot is the hardship; and denied a Special Exception to waive the screening requirement along lot lines abutting an R district, on property located at 2324 East 3rd Street and the subject property.

Z-6414 October 1993: All concurred in approval of a request for a blanket rezoning of the Wells Neighborhood from RM-1 to RS-4; an area extending from E. 3rd Street to E. 6th Street and from the lots fronting South Victor Avenue to the west.

BOA-14135 July 24, 1986: The Board of Adjustment approved a Special Exception to allow an existing automobile sales lot in a CS district; a Variance to allow outdoor display of merchandise for sale within 300' of residential lot; and denied a Variance of the screening requirement along lot lines abutting an R district, on property located on the southwest corner of East 3rd Street and South Lewis Avenue and abutting east of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4750 square feet in size and is located southwest of the southwest corner of East 3rd Street and Lewis Avenue. The property is vacant and zoned RS-4.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 3 rd Street	Commercial/Industrial Collector	90'	4
South Lewis Avenue	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by a grocery store, zoned CS; on the north by a former drive-through for a bank but soon to be a community healthcare center, zoned CS; on the south by newly-constructed single-family residential uses, zoned RS-4; and on the west by what appears to be an office or commercial use, zoned CS, and single-family residential uses, zoned RS-4.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Plan. However, the adopted Kendall Whittier Neighborhood Master Plan calls for redevelopment of the Lewis Avenue corridor and the adjacent property, also a part of this development, as designated Medium Intensity-No Specific land use, which **is** in accord with the plan.

STAFF RECOMMENDATION:

The Kendall Whittier Neighborhood has been planning its redevelopment for the past 20 years, and the reuse of this property for a pharmacy/drugstore has been discussed and supported for several years. A portion of the property already has the required zoning and land use designation, but the development will require additional property that is now zoned RS-4 and designated Low Intensity. Moreover, a community healthcare center is planned to be located across East 3rd Street north of this site, and its clients are anticipated to use the pharmacy, since the center will not include one. Based on plans for the area, staff can support the requested CS zoning and recommends **APPROVAL** of Z-7062 for CS zoning.

If the TMAPC and City Council are inclined to approve CS zoning on this property, staff should be instructed to prepare appropriate plan map amendments.

TMAPC COMMENTS:

Mr. Ard stated that redevelopment in the subject area is a good thing. He asked if there will be any buffer. In response, Ms. Matthews stated that there was some consideration for a buffer, but they couldn't get the buffer with what is needed for the drug store and their parking. Given the development that is across the street, which is a grocery store and other convenience type of shopping, there was no demand from the neighborhood for any type of buffer other than what would be required by the zoning requirement.

Interested Parties Comments:

Ed Hinds, 2620 East 15th, Tulsa, Oklahoma 74104, stated that he owns property on subject block. He asked if the empty house and burned-out house will be removed and put a drive-through on these properties.

Mr. Ard explained that the two lots Mr. Hinds is questioning are currently zoned residentially and a drive-through wouldn't be allowed, since it is not part of this application.

Ms. Matthews explained that the existing residential lots were split off and are currently zoned residentially. There are no plans to put in a drive-through. There may be a drive-through, but the applicant will have to access it off of one of the arterial streets. The access points will be known during the platting stage.

Councilor Maria Barnes, representing Kendall-Whittier, stated that she is supporting this zoning. When it does come back through platting there will be some questions for the developer, but she plans to work with them. She doesn't see a drive-through on the residential lots.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, Miller "absent") to recommend **APPROVAL** CS zoning for Z-7062 per staff recommendation. Note: this approval will require a plan map amendment for Planning District 4.

Legal Description for Z-7062:

North 47.5' of Lots 8 and 11, Block 2, Hillcrest Ridge Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. **From RS-4 (Residential Single-family District) To CS (Commercial Shopping Center District).**

Application No.: Z-6277-SP-3a

CORRIDOR MINOR AMENDMENT

Applicant: Dennis Blind

(PD-18) (CD-8)

Location: Northeast corner of East 66th Street and South 101st East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to Z-6277-SP-3 for the purpose of providing development standards for an outdoor advertising sign, revising building height restrictions, reducing minimum lot area requirements and clarifying screening requirements.

The Corridor Site Plan for 169 Business Park was approved by TMAPC and Council August 2, 2006 and October 12, 2006, respectively. The Corridor Plan provided for a mixed use development with commercial permitted in the east half of the development (fronting/ visible from U.S. Highway 169) and office uses on the west half. The west half of the development abuts single-family residential on the north; the east half of the development abuts single-family residential on the west.

Development standards as approved per Z-6277-SP-3 restricted signage for the east half of the development as follows:

For lots fronting South 105th East Avenue (adjacent to Hwy 169), one ground sign permitted per lot not to exceed 125 square feet of display surface area and 25 feet in height; for lots with frontage on the interior street one ground sign permitted per lot not to exceed 50 square feet of display surface area and 12 feet in height.

At the TMAPC hearing, the applicant requested and was granted approval to include the existing outdoor advertising sign as a permitted use (although minutes noted the use as UU #23 rather than UU #21, Business Signs and Outdoor Advertising). Because all ground signage, including outdoor advertising, is based upon frontage, staff had advised the applicant during the application and review period that if the outdoor advertising sign were to remain, no other ground signage could be permitted because the outdoor advertising sign usurped all available display surface area as based on frontage. At that time, the applicant told staff that the outdoor advertising sign would be removed. Therefore, staff made no provisions for the outdoor advertising sign in the recommendation and established standards for ground signage.

Per the zoning code and based on frontage along the Highway 169 frontage road, a maximum of 632.65 aggregate square feet of display surface area may be permitted. The existing outdoor advertising sign has 672 square feet of

display surface area. Aggregate ground signage permitted by development standards is 625 square feet of display surface area. The applicant received BOA approval on June 26, 2007, of a variance per BOA-20523 to double the amount of display surface area otherwise permitted by underlying zoning. The applicant is now seeking a minor amendment to establish standards for the outdoor advertising sign as follows:

<u>Permitted by Underlying Zoning</u>	<u>Current Standards</u>	<u>Proposed</u>
632 square feet	625 square feet	1,297 square feet*

**Sign standards to remain as approved per Z-6277-SP-3 with the added provision that the existing outdoor advertising sign (672 SF) be allowed to remain in the sign easement on Lot 3, Block 1, 169 Business Park and further providing that should the outdoor advertising sign be removed, another outdoor advertising sign shall not be installed to replace it.*

Although the proposed aggregate display surface area would be substantially greater per the proposed amendment the corridor site plan was approved allowing the outdoor advertising sign; therefore, staff is in agreement with the proposed amendment with the added clarification that 'Permitted Uses' be modified to replace Unit 23 (which was incorrectly cited in the minutes) with Use Unit 21.

The applicant is also requesting to reduce minimum lot area requirements from 0.5 acres to 0.39 acres for Lots 12, 13, 14 and 15. Per the applicant's original corridor site plan application, proposed and approved minimum lot size was 0.5 acres. The concept plan indicated smaller sizes for the above noted lots. Staff is agreement with the reduction and clarification as proposed.

In addition, the applicant proposes to increase maximum building heights for Lots 16, 17 and 18, Block 1, 169 Business Park (west half of Lots 5, 6 & 7, Block 6, Union Gardens) from two stories to five stories to accommodate hotel uses. Current building setback from the west boundary and adjacent residential is 40 feet. Staff recommends increasing the setback to 50 feet. This setback coupled with the 25 foot right-of-way for South 103rd East Avenue would provide separation from adjacent residential in keeping with standard setbacks between residential and commercial uses as required by the zoning code. The applicant proposes and staff recommends restricting building orientation to east/ west with rooms facing north and south thereby preventing rooms from looking directly into the residential area to the west. The applicant also proposes and staff recommends a stagger planted evergreen screen along the west property line in addition to the required eight foot screening fence to provide additional buffering between the residential and hotel uses.

Lastly, the applicant has requested clarification of screening requirements along the north boundary of the Corridor Plan by specifying which lots along the north boundary are to be affected – Lots 11-15, Block 1. Staff is in agreement with this clarification.

Therefore, staff recommends **APPROVAL** of **Z-6277-SP-3a** as follows:

1. Modify "Permitted Uses" to replace Use Unit 23 with Use Unit 21;
2. Sign standards to remain as approved per Z-6277-SP-3 with the added provision that the existing outdoor advertising sign (672 SF) be allowed to remain in the sign easement on Lot 3, Block 1, 169 Business Park and further providing that should the outdoor advertising sign be removed, another outdoor advertising sign shall not be installed to replace it.
3. Reduce minimum lot area requirements from 0.5 acres to 0.39 acres for Lots 12, 13, 14 and 15, Block 1, 169 Business Park.
4. Increase maximum building heights for Lots 16, 17 and 18, Block 1, 169 Business Park (west half of Lots 5, 6 & 7, Block 6, Union Gardens) from two stories to five stories for hotel uses, only; further providing that minimum setback from the east ROW of 103rd East Avenue (west property line) be increased to 50 feet; that orientation of hotel buildings be restricted to an east/ west configuration with rooms facing north and south so as to prevent hotel rooms from looking directly into the residential area to the west; and providing that a stagger planted evergreen screen be installed along the west property line in addition to the required eight foot screening fence.
5. Clarify that screening requirements for the **north** boundary of Z-6277-SP-3 shall apply to Lots 11-15, Block 1, only.

Mr. McArtor out at 2:38 p.m.

Interested Parties Comments:

Greg Jennings, 2260 South Troost, Tulsa, 74114, stated that there is sign clutter all over Tulsa and hopefully when the new sign inspectors start working on these issues there will be a lot of clean up. Mr. Jennings spoke of sign clutter all over the City of Tulsa. He indicated that he his opposed to the request.

After a lengthy discussion between the Planning Commission, staff, applicant and an interested party, it was determined that the Planning Commission needed time to review the minutes from the TMAPC 8/2/06 meeting and the recent BOA meeting regarding this issue.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, McArtor, Miller "absent") to **CONTINUE** the corridor minor amendment to July 18, 2007 and allow time to review minutes from previous action.

Application No.: PUD-379-6

MINOR AMENDMENT

Applicant: Lou Reynolds

(PD-18) (CD-7)

Location: 6612 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-379 for the purpose of increasing the number of ground signs permitted from two to three; increasing the maximum allowable (aggregate) display surface area for ground signs within PUD-379 (and PUD-379-A combined) from 480 square feet to 552 square feet; and increasing permitted display surface area for wall signs from one and one-half (1½) square feet per lineal foot of building wall to two (2) square feet per lineal foot of building wall in conjunction with remodeling and reuse of the former Mervyn's retail store.

PUD-379 has approximately 246 feet of frontage with CS zoning and 699 feet of frontage with PK zoning. (PUD-379-A has 475 feet of frontage with CS zoning.) This would allow for a maximum of 386 square feet of display surface area in PUD-379 without regard to PUD-379-A. There is an existing ground sign within PUD-379 that is approximately 18 feet in height with 176 square feet of display surface area. Therefore, per underlying zoning there is sufficient "unused" display surface area to support the additional 72 square feet proposed.

Per Section 1221.C.7.b. of the Tulsa Zoning Code the number of permitted ground signs is also based on frontage on a major street. Remaining frontage and corresponding zoning within PUD 379 support the additional ground sign as requested.

Staff also finds the requested increase in wall signage from one and one-half (1 ½) square feet of display surface area to two (2) square feet of display surface area to be in conformance with the PUD chapter of the zoning code, appropriate within PUD 379 and compatible with adjacent CS zoned properties not under PUD control.

Therefore, staff recommends **APPROVAL** of the following amendments to PUD-379 sign standards for Lot 2, Block 1, The Village at Woodland Hills:

Maximum Permitted Ground Signs: One

**Maximum Permitted Display Surface Area
Per Sign:** 72 SF

Wall Signs:

Wall signs shall not exceed an aggregate display surface area of two (2) square feet per each lineal foot of the building wall to which the sign or signs are affixed.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Carnes, Harmon, Marshall, Midget, Shivel "aye"; no "nays"; none "abstaining"; Cantrell, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-379-6 per staff recommendation.

* * * * *

Application No.: PUD-600-A-7

MINOR AMENDMENT

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: Lot 6, Block 3, Ashton Creek Office Park, Development Area A

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-600 for the purpose of amending development standards to increase the maximum permitted building height from one-story to two story, reduce the south building setback and omit the requirement for a fifteen-foot wide landscaped area and six-foot high screening wall along the south boundary.

Development Standards for PUD-600-A currently require the following setbacks from the south boundary of Development Area A:

Building setback:	20 FT
Access drive setback	30 FT

A landscaped area of not less than 15 feet in width and a six-foot screening wall or fence are also required along the south boundary of Development Area A and buildings within 100 feet of the Development Area B are limited to one story.

When PUD-600 was approved on April 15, 1999, the area later platted as Lot 7, Block 3, Ashton Creek Office Park (adjacent to the south boundary of the subject property – Lot 6) was not part of Development Area A. PUD-600-A, which addresses Development Area A only; included Lot 7 but did not adjust development area boundaries to place the lot in Development Area A.

Several years later a detail site plan was approved for an office building on Lot 7 along with a minor amendment (PUD-600-A-4 approved July 20, 2005) which eliminated requirements for the landscape buffer and access drive setbacks from the south boundary of Development Area A. This was possible because the residential lot adjacent to the south boundary of Lot 7 had been developed as a neighborhood pool and pool house (PUD-600-C-1).

Considering the office building on Lot 7 and neighborhood pool and pool house use adjacent to the south boundary of Lot 7, the proposed two-story office building on Lot 6 would be setback more than 100 feet from a single-family residential lot line. In addition, the other restrictions (as noted above) intended to separate office uses from residential as applied to Lot 6, Block 3 are no longer necessary.

Therefore, staff finds the proposed amendment to be appropriate and minor in nature and recommends **APPROVAL** of PUD-600-A-7 as proposed.

TMAPC COMMENTS:

Mr. Marshall asked what the height of the second story would be and the difference between what the PUD allows and what they are requesting. In response, Ms. Tomlinson stated that the height is currently one story or two stories and she believes that the applicant is asking for the two-story and the applicant can specify or verify the height.

Mr. Marshall asked if the applicant is requesting to go from OL to OM if this were a straight zoning without the PUD. In response, Ms. Tomlinson stated that essentially it would be OM; however, with a special exception, the applicant would have to meet the setbacks for the increase in height and they would meet that because the setback is substantial. The PUD allows OL to have the possibility of a two-story and this PUD does allow for it except for lots within 100 feet of a residential lot along the south boundary.

Mr. Ard recognized the two letters delivered to staff.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated that the PUD allows for one story and he is planning a two-story building at 33.5 FT and is still under the 35 FT, which is typically considered two story in nature for an office or residential use. He believes it is important to point out that the lot is unique and very tight. The reason for the existing regulations was because the areas were supposed to be residential in nature, but it became a community pool and club house.

Mr. Harmon out at 2:59.

Mr. Midget out at 2:59

Mr. Jones asked if the Planning Commission lost its quorum. In response, Mr. Ard stated that Mr. Midget is behind the wall and there are speakers where he can hear.

Mr. Midget in at 3:00 (quorum present)

Mr. Jones stated that he hasn't seen the letters that were submitted by interested parties, but he understands that they deal with hydrology, fencing and development issues from the overall development and not specifically the lot under application today. He doesn't represent the developer for this item today. He has met with the Architectural Review Committee and they are in agreement with this proposal. Mr. Jones commented that he can pass their concerns onto the developer. Mr. Jones requested the Planning Commission to approve the staff recommendation.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Jones if he would be installing fencing on his portion of the development. In response, Mr. Jones answered affirmatively. He further stated that he believes fencing is a requirement for the east side. Mr. Carnes asked if it would be a masonry fence. In response, Mr. Jones stated that he doesn't know what nature the fence would be and it would come at detail site plan. Mr. Carnes stated that he would not be in favor of a wooden fence because they do not last.

Mr. Marshall asked Mr. Jones for the square footage. In response, Mr. Jones stated that it would 4,400 SF between the two floors. This would be underneath the maximum allowed square footage for the lot. There is a good setback from the east property line in order to buffer from the residential uses. He doesn't believe the PUD has a maximum square footage, but rather a floor area ratio that is permitted for each lot. The floor area ratio is probably a .4 FAR. He plans to preserve the green space on the east side of the subject property.

Mr. Ard asked Mr. Jones if it would be feasible to get the 4,400 SF in a single-story on the subject lot. In response, Mr. Jones answered negatively.

Interested Parties Comments:

Rhonda Deggendorf, 9247 South Urbana, 74137, manager for Benchmark Condominiums, stated that she has the original PUD that was developed in November of 1998. She understands that Mr. Jones is not responsible for the overall development. She explained that wood fences have been installed after being told that there would be brick or concrete fencing. Currently, the northwest corner fencing is causing problems. She expressed concerns with lighting impacting the residential properties.

Ms. Deggendorf stated that there are single-story buildings that appear to be two-story. She expressed concerns with the height for the proposed two-story building. In response, Mr. Ard stated that they are proposing a two-story structure with a top height of 33 feet.

Mr. Jones stated that he believes the proposed building will be the same height as the existing buildings.

Ms. Deggendorf stated that she objects to any change in the PUD. She doesn't like the current requirements, unless they would like to put in a Woodcrete fence. The current lighting impacts the residences.

TMAPC COMMENTS:

Mr. Shivel asked Ms. Deggendorf where the existing building is located that appears to be two-story. In response, Ms. Deggendorf stated that the lot next door to the subject lot already has a building that appears to be two-story and it has dormer windows. Mr. Shivel stated that he thought the original letter to the Planning Commission was stating that the proposal would be out of character with the development. In response, Ms. Deggendorf stated that she didn't address that in her letter.

Mr. Ard asked Ms. Tomlinson if she stated that the PUD would allow one or two stories. In response, Ms. Tomlinson stated that two-story buildings are allowed within 100 feet from the south boundary. It may be that at the time it wasn't clear where the south boundary would be and it was assumed that it is in keeping with the southern boundary of the Ashton Creek Office Park. The third lot to the north, which Ms. Deggendorf mentioned, wouldn't be that 100 feet and so it would have been permitted as a two-story.

Mr. Ard stated that the only reason this application is a minor amendment is because the subject lot is within 100 feet of the south property line. In response, Ms. Tomlinson answered affirmatively. She further explained that it could also be a minor amendment because of the actual boundary of Development Area A. Regarding lighting, the PUD does have language that regulates lighting and as part of the detail site plan review the applicant is required to provide a lighting plan. The applicant will have to apply the Kennebunkport formula to determine the distance of visibility of the glare. The glare cannot extend into residential property. If a resident doesn't believe they are in compliance once the lighting is powered up, they should take a picture at night of the glare to prove their point and contact Neighborhood Inspections to give them this information.

Mr. Marshall questioned the height of buildings in the PUD. Ms. Deggendorf read the original PUD from 1998 away from the microphone.

Ms. Tomlinson stated that she cannot address the limitations of building height today because she doesn't have the original PUD language with her.

Interested Parties Comments:

Robert Cupp, 4601 East 93rd Place, 74137, stated that his lot backs up to the subject property. He commented that he doesn't have any problem with the existing wall that was built to create a buffer. The subject lot does back up to his fence and there is a creek that runs down the fence line. There is an extra green space that separates the lots in the commercial section from Benchmark (northern portion). However, where he is located the fence line is directly

adjacent to the fence and there is no separation. He doesn't have any problems with a one story building, but a two story building would be looking into his backyard and house. He explained that his home is on a hill and there is already some exposure with single story, but there would be no privacy if a two-story building was built. The lots above the subject property that have two stories are not looking into someone's backyard. The original PUD indicated that a one story would be the only thing permitted and he didn't have a problem with that and didn't fight the PUD. It is his understanding that the developer agreed to keep the subject lot at a one-story building and that was agreed upon during the PUD hearings. Now the lot has been sold and development plans are against all of the agreements that were worked out between the developer and surrounding property owners.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Cupp if he had anything in writing regarding the agreements. In response, Mr. Cupp stated that he has an email document from the housing association, but he doesn't have the actual document from the contractor to the homeowners.

Applicant's Rebuttal:

Mr. Jones stated that if it is any consolation to Mr. Cupp, he would agree to no windows on the east side on the second story. There is a still a greenbelt being maintained.

TMAPC COMMENTS:

Mr. Ard stated that he personally has a problem with a two-story backing up to Mr. Cupp's lot. He asked Mr. Cupp if not having windows on the east side of the second story give him any comfort. In response, Mr. Cupp stated that there are other issues with the two-story building as well. When he is in his backyard he would be looking at the back of building at the end of his yard.

Mr. Ard asked Mr. Cupp if his elevation is above the subject lot. In response, Mr. Cupp stated that his elevation would be at the top of a one-story building. Mr. Cupp explained that he can see over the top of his fence when he is in his backyard and essentially see the top of a one-story building. If there were two stories he would essentially see the second story level with his yard.

Mr. Carnes moved to approve the minor amendment per staff recommendation with the amendment offered by the applicant to not have any windows on the east side. Mr. Midget seconded the motion.

Mr. Ard stated that Mr. Cupp's property is the property that would be dramatically affected by a two-story building since he backs up to it. Mr. Ard suggested that the subject property should be kept as a one story structure and keep the compliance of the PUD as it was originally written.

Mr. Midget stated that the applicant indicated that if the proposal is a two-story building, he would be level with the second story as if it were a normal house backed up to him. He understands that they would be looking at a building, but it is not one that would be overly intrusive.

In response to Mr. Ard, Mr. Alberty stated that the applicant will have to return with a detail site plan and if there is something about the details that the Planning Commission felt didn't meet with the original approval, then it could be modified.

Mr. Carnes stated that he would amend his motion to approve the minor amendment per staff recommendation, no windows on the east side of the second story and the height being no higher than 35 feet.

Mr. Midget amended his second.

Mr. Marshall stated that he believes that the Planning Commission should stay with the original PUD. He believes that this is too much square footage for the lot. Mr. Cupp will be impacted by this proposal and the Planning Commission should watch out every now and then for the neighbors. He doesn't believe that the Planning Commission doesn't do it often enough in his opinion. Mr. Marshall indicated that he will be opposed to this application.

Mr. Midget asked Mr. Marshall what part of the original PUD he wants to stick with. In response, Mr. Marshall stated that he is talking about keeping the single-story building requirement.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **3-3-0** (Ard, Carnes, Midget "aye"; Cantees, Marshall, Shivel "nays"; none "abstaining"; Cantrell, Harmon, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-600-A-7 per staff recommendation; subject to the second story being no higher than 35 feet in height and there shall be no windows on the east side of the second story.

Motion tied 3-3-0, which indicates that there is no recommendation.

Mr. Midget moved to approve the minor amendment per staff recommendation with the modification that there shall be no two-story building on the subject property.

Mr. Carnes seconded.

Mr. Marshall stated that he would like to make an amendment to the motion. He would like to stay with the original PUD agreement.

Seconded by Cantees.

Mr. Midget stated that he believes that is unreasonable to stay with the original PUD agreement. The conditions to the south have changed and he believes that the Planning Commission should be have the option to have some flexibility in development. He doesn't see why they should be held hostage to those conditions when the conditions to the south of the PUD have changed. Mr. Midget indicated that he is voting for the original staff recommendation with a one-story building.

The motion to amend Mr. Midget's motion has been withdrawn. The second to amend the motion has been withdrawn.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **4-2-0** (Ard, Carnes, Midget, Shivel "aye"; Cantees, Marshall "nays"; none "abstaining"; Cantrell, Harmon, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-600-A-7 per staff recommendation, with the modification that there shall be no two-story building on the subject property.

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

7/25/07



Chairman

ATTEST:



Asst. Secretary