

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2489

Wednesday, August 15, 2007, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 15, 2007 at 8:22 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 1:30 p.m.

REPORTS:

Director's Report:

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

Mr. Ard announced that CZ-388 would not be heard today due to a mistake made on the application and deficient notice. CZ-388 will have to be heard on September 19, 2007 in order to allow staff to renote this case.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Cantrell, McArtor, Midget, Miller "absent") to **CONTINUE** CZ-388 to September 19, 2007.

Ms. Cantrell in at 1:36 p.m.

Minutes:

Approval of the minutes of July 18, 2007 Meeting No. 2486

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Cantrell, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of July 18, 2007, Meeting No. 2486.

Minutes:

Approval of the minutes of July 25, 2007 Meeting No. 2487

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Cantrell, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of July 25, 2007, Meeting No. 2487.

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-19601** – Kevin Coutant (9332)/Lot-Split (PD 18) (CD 9)
2916 East 51st Street South
- b. **L-20121** – Sisemore Weisz (8333)/Lot-Split (PD 22) (CD 8)
11706 South Richmond Avenue
- c. **L-20122** – Carol Lewis (9219)/Lot-Split (County)
4704 South 149th West Avenue
- d. **L-20123** – Aaron Lemmons (1301)/Lot-Split (County)
8401 East 120th Street North
- e. **LC-55** – John Sanford (9302)/Lot Combination (PD 5) (CD 3)
North of northeast corner Admiral Place & 67th East Avenue
- f. **LC-56** – Yipyo Kim (8326)/Lot Combination (PD 26) (CD 8)
10600 South Memorial
- g. **LC-57** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4302 West 57th Place

- h. **LC-58** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4304 West 57th Place
- i. **LC-59** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4310 West 57th Place
- j. **LC-60** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4314 West 57th Place
- k. **LC-61** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4320 West 57th Place
- l. **LC-62** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4324 West 57th Place
- m. **LC-63** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4328 West 57th Place
- n. **LC-64** – Viktor Schulz (9233)/Lot Combination (PD 8) (CD 2)
4332 West 57th Place
- o. **PUD-608-A-1 – Carlson Consulting Engineers, Inc.** (PD-18) (CD-8)
6606 East 81st Street South (Minor Amendment to split a lot from Lot 1,
Block 1, Crescent Center #1.)
- p. **PUD-578-A-4 – Carlson Consulting Engineers, Inc.** (PD-26) (CD-8)
10938 South Memorial Drive (Minor Amendment to split a lot from Lot 1,
Block 1, Wal-Mart Super Center #1597-03.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-578-A for the purpose of splitting a lot from Lot 1, Block 1, Wal-Mart Super Center #1597-03. Currently Wal-Mart and Murphy Oil are located on the same lot, with Murphy Oil leasing a portion of the lot on which it is located. The lot-split is desired to recognize this tract (proposed Lot 3, Block 1) as a separate lot. The new lot will comprise 29,184 square feet, or 0.67 acres. Because Wal-Mart does not own the strip of land immediately adjacent to and along a portion of East 111th Street South, the proposed lot does not have street frontage. However, access to East 111th Street is provided via a mutual access easement which connects to East 111th Street South west of the proposed lot. Sidewalks providing pedestrian access are already in place along East 111th Street South.

Staff recommends approval of PUD 578-A-4 as proposed and subject to the following amended conditions to PUD 578-A:

MAXIMUM FLOOR AREA:		
Proposed Lot 3, Block 1 (Murphy Oil)		250 SF
Remainder Lot 1, Block 1 (Wal-Mart)		231,250 SF

MINIMUM LOT FRONTAGE:		
Proposed Lot 3, Block 1		0 FT
Remainder Lot 1, Block 1		150 FT

Item 2.o. was removed from the consent agenda due to an interested party wishing to speak on this item.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Midget, Miller "absent") to **APPROVE** the consent agenda Items 2.a. through 2.n. and 2.p., excluding 2.o. per staff recommendation.

2. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

- o. **PUD-608-A-1 – Carlson Consulting Engineers, Inc.** (PD-18) (CD-8)
6606 East 81st Street South (Minor Amendment to split a lot from Lot 1, Block 1, Crescent Center #1.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 608-A for the purpose of splitting a lot from Lot 1, Block 1, Crescent Center #1. Currently Wal-Mart and Murphy Oil are located on the same lot, with Murphy Oil leasing a portion of the lot on which it is located. The lot-split is desired to recognize this tract (proposed Lot 2, Block 1) as a separate lot. The new lot will comprise 19,988 square feet, or 0.46 acres, and will have 188.57 feet of frontage on East 81st Street South and 96.56 feet of frontage on South Sheridan Road. Access to East 81st Street South will be via a mutual access easement which will also provide access to the remainder Wal-Mart tract. Sidewalks exist along East 81st Street South and South Sheridan Road; therefore, pedestrian access to the proposed lot is provided.

Staff recommends approval of PUD-608-A-1 as proposed and subject to the following amended conditions to Development Area A:

MAXIMUM NUMBER OF LOTS:		Two
MINIMUM LOT SIZE:	19,988 SF	0.46 AC

MINIMUM FRONTAGE:		
East 81 st Street South		188 FT
South Sheridan Road		96 FT
 MAXIMUM FLOOR AREA:		
Proposed Lot 2, Block 1 (Murphy Oil)		250 SF
Remainder Lot 1; Block 1 (Wal-Mart)		88,800 SF

Ms. Tomlinson stated that there will not be any physical changes to the subject property and no new uses. The subject application is to allow a lot-split.

Mr. Midget in at 1:41 p.m.

Interested Parties Comments:

Ryan Myers, 8301 South 70th East Avenue, 74133, stated that he wasn't aware of any changes and didn't know who owned the subject lot. He understands that there will be no changes to the Murphy Oil station and there will be no changes to the adjoining lots.

TMAPC COMMENTS:

Mr. Ard stated that the existing use will remain in place and they are simply splitting the Murphy Oil portion off so that it can be owned by Murphy Oil.

Applicant's Comments:

Hugh Christensen, representing Carlson Consulting Engineers, Inc., stated that the general idea was to do away with the lease-hold on the piece of property and turn it into its own tract of land.

Mr. Ard suggested that Mr. Christensen meet with Mr. Myers today.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-608-A-1 per staff recommendation.

3. PUBLIC HEARING

9200 Delaware – (8320)/Preliminary Plat

(PD 18) (CD 2)

South of southwest corner of East 91st Street South and Delaware Avenue

STAFF RECOMMENDATION:

This plat consists of six lots, one block, on 9.0041 acres.

The following issues were discussed August 2, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 696. All PUD conditions including the mutual access provisions must be met.
2. **Streets:** Provide recording documentation of the 30 foot of right-of-way on Delaware. Provide statement that requires sidewalks to be constructed on all street frontages. Provide standard language for sidewalk requirements. Need to provide appropriate language for mutual access for Reserve A. Change the access to read “80 foot access with median”. PUD development standards require mutual access to north and south abutting properties. Include minimum construction standards for the private street in the PUD development standards.
3. **Sewer:** Add a five-foot utility easement along the east property line of Lot 2 for a total easement width of 20 feet.
4. **Water:** No comment.
5. **Storm Drainage:** Concept plan indicates that the centerline of storm sewer is not the required minimum of 7.5 feet from the easement line. The minimum width of easement for a storm sewer is 15 feet, to be centered on the centerline of pipe. The proposed utility easement may need to be widened to comply with this requirement. Add a Section I.I for roof and pavement drainage. All rainfall runoff from roofs and paved surfaces must be collected on-site, and thence be piped to the 100 year drainage system, for conveyance to the Arkansas River. This plan does not contain all of the information required with a Preliminary Plat submittal. It is missing the contour lines with elevation labels, labeling of the proposed drainage system features; and a legend for all abbreviations, symbols, and unlabeled lines.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Perimeter easements will be needed.

Airport: There may be some noise and sound from the airport in this area.

7. **Other: Fire:** Proper hydrant coverage indicated on water main extension submittal.

GIS: On location map, show proper location of "Crown Woods" subdivision. Include a tie from a section corner with point of commencement labeled, to a point of beginning labeled. Provide a metes and bounds description of the property using distances and bearings in the legal description.

General: Dimension the east lot line of Reserve A. Surveyors C.A. number needs a renewed expiration date. PFPI approval will be withheld pending the resolution of PUD development standards requiring mutual access to abutting north and south properties. Section 1.E. Reserve A paragraph needs to include utility easement provisions and mutual access easement standard language. The mutual access provisions should be declared and incorporated within the platting and deed of dedication, not by separate instrument. PFPI (privately funded public improvements); SSID (sanitary sewer improvement district) and water main extension plans are under review by Development Services.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Melinda Bennett, 2623 West 68th Place, 74132, expressed concerns with drainage issues on her mother's property. She requested that the Planning Commission see that the stormwater drainage is followed through the process.

Mr. Ard explained to Ms. Bennett that throughout the platting and permitting process storm drainage is reviewed several times. Stormwater drainage issues are outside of the Planning Commission's purview.

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

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the preliminary plat for 9200 Delaware, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Southeast corner of East 73rd Street South and Lewis Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to OL.

Staff provides the following information from TAC at their August 2, 2007 meeting:

ZONING:

TMAPC Staff: The plat waiver is to allow a lot split on the site after a down-zoning from OM to OL.

STREETS:

Verify the Lewis Avenue 50 foot right-of-way dedication. Confirm existing access restrictions or file a separate instrument per approval of Traffic Engineer.

SEWER:

It is likely that any lot split for this property will require a Sanitary Sewer Mainline Extension, and additional easement to accommodate the Sanitary Sewer Main.

WATER:

No comments.

STORM DRAIN:

No comments.

FIRE:

No comments.

UTILITIES:

No comments.

Staff recommends **APPROVAL** of the plat waiver per TAC comments. The property is being rezoned from OM to OL to facilitate a lot split in this case.

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

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

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

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

There were no interested parties wishing to speak.

Applicant was not present.

Mr. Albery informed the Planning Commission that the rezoning case has not been approved by the City Council and whatever action that is taken by the Planning Commission should be subject to City Council action on the zoning.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the plat waiver for Z-7069, subject to City Council approval of zoning case Z-7069 per staff recommendation.

Ms. Fernandez informed the Planning Commission that the applicant was aware that the zoning case was still pending at City Council and chose to go ahead with the plat waiver.

PUD-648-A-Z-6001-SP-2 – (8202)/Plat Waiver

(PD-8) (CD-2)

Northeast corner of West 71st Street South and Highway 75

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to the PUD (to increase floor area, and height).

Staff provides the following information from TAC at their August 2, 2007 meeting:

ZONING:

TMAPC Staff: This is for the hotel use approved by the PUD amendment.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for this recently platted property.

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

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

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

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

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the plat waiver for PUD-648-A/Z-6001-S-2 per staff recommendation.

Application No.: Z-7071

RS-2 TO RT

Applicant: Sack & Associates

(PD-18) (CD-9)

Location: East of the northeast corner of South Lewis Avenue and East 56th Place

STAFF RECOMMENDATION:

PUD-274-A May 2007: All concurred in approval of a proposed Major Amendment to PUD-274 on an 8.16± acre tract of land for senior care on property located north of northeast corner of South Lewis Avenue and East 61st Street.

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

Z-6568 December 1996: All concurred in approval of a request to rezone a 140' x 105' tract from RS-2 to OL on property located on the southeast corner of East 54th Street and South Lewis Avenue.

Z-6489/PUD-534 June 1995: All concurred in approval of a request to rezone a 1.5-acre tract from RS-3 to OL/PUD for a mixed use office and attached single-family residential development, subject to conditions on property located south of the southwest corner of East 55th Street South and South Lewis Avenue.

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

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

PUD-333 September 1983: All concurred, per conditions, in approving a request to rezone a tract from RS-2/ OL to OL/PUD-333 for office use on property located north of the northeast corner of South Lewis Avenue and East 57th Street.

Z-5662/PUD-278 March 1982: All concurred in approval for a request to rezone a 3-acre tract from RS-3 to OL/PUD for office development and subject to conditions on property located on the southwest corner of East 55th Street South and South Lewis Avenue.

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

Z-5519/PUD-252-A May 1981: All concurred in approval of a request for rezoning a 1.3± acre tract of land from RS-3 to RD and a Major Amendment to PUD-252 to add 5 townhouse units to the originally approved 22 units for PUD-252 on property located north of the northeast corner of East 55th Place and South Atlanta Avenue.

Z-5516 May 1981: All concurred in approval of a request for rezoning a tract of land from RS-2 to RT on property located northeast of subject property.

Z-5506 May 1981: All concurred in approval of a request for rezoning a tract of land from RS-2 to OL on property located and abutting west of the subject property

Z-4939/PUD-192 November 1976: A request was submitted for rezoning a 1.46± acre tract of land from RS-3 to RD and a proposed Planned Unit Development for 5 duplex units and retaining the existing single-family unit, on property located on the southwest corner of East 55th Place and South Lewis

Place. All concurred in approval of rezoning the north 200' to RD and the balance to RS-3 and approval of the Planned Unit Development.

Z-4313 January 1973: All concurred in approval of a request for rezoning a tract of land from RS-2 to RD on property located and abutting north of the subject property

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .58± acres in size and is located east of the northeast corner of South Lewis Avenue and East 56th Place. The property appears to be a vacant single-family residence and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 56 th Place	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-2; on the north by single-family residential and duplex/multifamily residential uses, zoned RS-2 and RD; on the south by single-family residential uses, zoned RS-2; and on the west by mixed offices and multifamily residential uses-, zoned OL and OM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RT zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The proposed development lies adjacent to a mixed office/multifamily residential strip along South Lewis Avenue. RT is a zoning category that may appropriately be used as a buffer between single-family residential and commercial or office uses or as an infill zoning designation. In this case, townhouses seem to be an appropriate reuse of the property and staff recommends **APPROVAL** of RT zoning for Z-7071.

TMAPC COMMENTS:

Mr. Harmon asked staff what the height and setback restrictions for RT zoning. In response, Ms. Matthews stated that the height is the same as single-family, livability space is 1200 SF per unit, land area per dwelling unit is 4200 SF, rear

setbacks are 20 feet and front setbacks are 25 feet. Ms. Matthews stated that RT zoning is a residential use, but it does allow more density.

Ms. Cantrell asked Ms. Matthews to elaborate on “may be found”. In response, Ms. Matthews stated that “may be found” is looked at on a case-by-case basis. Townhouse is a residential use and has proven in the past to be an effective buffer between mixed uses. Staff looks to see what uses are around the subject property and surrounding zoning. Are there similar developments within the subject area?

Ms. Cantrell asked if this is considered a medium intensity. In response, Ms. Matthews stated that it is not considered a medium intensity and if it were it wouldn't be a “may be found”. Ms. Matthews explained that the Comprehensive Plan indicates what is called for regarding intensity. Ms. Cantrell stated that she was basing this on the fee schedule. Ms. Matthews explained that the fees that are charged have to do with the number of people to be notified and density of units on the land.

Ms. Cantrell asked if the reason staff is stating that this is a “may be found” is because there are other residential duplexes and she is wondering why if staff limited it to just the fact that it is abutting office light. In response, Ms. Matthews stated that staff has to consider all of these issues. The fact is that it is abutting office light, which is a more intense use than RM-2 and there are similar RT and RD uses around the subject property.

Mr. Marshall asked how many townhouses would be allowed on the subject property. In response, Ms. Matthews stated that it would depend on his standards and the applicant hasn't developed a plan at this time. The development to the north and east of the subject property has six or seven units on it. It would be ten per acre maximum.

Mr. Marshall compared the bulk and area requirements between RT and RS-2. Mr. Marshall stated that there is a big difference in the two zoning categories regarding setbacks. Ms. Matthews stated that the front yard requirements for RT are ten feet and RS-2 is 30 feet, rear yard requirements for RT is 20 feet and 25 feet for RS-2.

Applicant's Comments:

Ted Sack, Sack and Associates, 111 South Elgin Avenue, 74120, representing Mr. and Mrs. Fulton, stated that Mr. and Mrs. Fulton own and reside on the subject property. Mr. Sack cited the surrounding properties and their zoning designations. Mr. Sack demonstrated the boundaries of other properties zoned RT, RD and OL and how they align with the subject property. There is a row of duplexes that comes in on a private street and stubs into the subject property, which has the existing single-family home on it owned by Mr. and Mrs. Fulton.

There is an existing townhouse development with seven units northeast of the subject property.

Mr. Sack commented that Lewis has changed drastically over the years and this development would help buffer the noise from Lewis Avenue. He indicated that the existing home is old and is in a state where it needs a lot of work. The new development will bring life to the subject area. East 56th Place, which is in front of the subject property, does have a traffic signal onto Lewis. It would be complicated to go east and access Harvard; therefore, he believes traffic will go back to Lewis where there is a traffic signal and it would take care of the additional traffic from the proposed development.

Mr. Sack stated that his client purchased the subject property as an investment and feels that he should have the right to develop it just as other people in the subject area have similar developments. Mr. Sack indicated that he did meet with the neighborhood and obviously they were not in favor of the proposal. He asked if they had a list of conditions and the possibility of submitting a PUD, but they didn't have interest in a PUD.

TMAPC COMMENTS:

Mr. Ard thanked Mr. Sack for having a neighborhood meeting. He asked Mr. Sack if the neighborhood was not interested in a PUD. In response, Mr. Sack stated that the neighborhood was not interested in a PUD at the meeting.

Mr. Ard asked Mr. Sack if his client has an idea of how many units will be developed. In response, Mr. Sack stated that the underlying zoning would allow six units. His client has been looking at plans, but has not selected a plan at this time. It is undetermined at this time how many units would be developed. The townhouses would be platted as lots and the accessibility would be along the western side of the subject property. The stormwater drainage is back toward Lewis and it could be captured in the street and taken out toward the drainage that runs toward 56th Place.

Mr. Ard asked Mr. Sack if he would try to connect through the north side of the subject property to the private drive of the duplexes or only come out to the 56th Place side. In response, Mr. Sack stated that he believes the main point of access would probably 56th Place and he may talk with the duplex property owner to see if there could be an emergency access that would benefit both properties.

Mr. Marshall asked Mr. Sack if he knew the height of the proposed building. In response, Mr. Sack stated that the Zoning Code allows 35 feet and two-story. His client has been looking at plans and he plans to occupy one of the units himself. Mr. Sack indicated that his client believes the market would be better for one-story units.

Interested Parties Opposing Z-7071:

Paul Rose, 2447 East 56th Place; **Ronald Hildebrant**, 2431 East 56th Place, 74105; **Susan Hammond**, 2420 E. 56th Place, 74105.

Interested Parties Opposing Z-7071 Comments:

The proposal would not benefit the neighborhood or the City of Tulsa; it is important to keep the neighborhood strong; disagree with the staff recommendation; the OL line adjacent to the RS-2 line is a strong line and the proposal will not add an additional buffer; RT zoning would be an intrusion into the neighborhood; the subject property surrounds the Hammond property and would almost encapsulate it with no RS-2 zoning if the RT zoning were approved; the setback for RT is less than RS-2 and would set closer to the street; the existing neighborhood has a rural flavor with a two-lane asphalt street with large front yards; the street is a low-density street; RT would increase the density and cause the removal of large trees; proposal would increase the impermeable surface on their lot and will increase the water flow onto 56th Place; Lewis floods at 56th Place intersection; the proposal would decrease the yard and landscaping; increased traffic along the quiet street; townhouses are often transient; RT and RD zoned lots that are located north of the subject property are not successful and are full of junk, broken cars, etc.; the existing RT is a nice townhouse development and is not what the applicant is planning to do; the RT is not planned out and there is no PUD; the development will probably include cheap, lower-income type housing; the applicant indicated that he wanted to put as many townhouses on the property as possible and it was for an investment; the proposal would be substandard for the neighborhood and a detriment; RT is a better fit for neighborhoods that have been rundown, midtown or where a greater density is desired, but it doesn't fit in the subject neighborhood; request to the Planning Commission to deny the RT request; homes in the subject area have been remodeled and enhanced inside and outside; six townhouses would be overpowering for the subject area; metal roofing would be a visual intrusion; existing homes are set back 51.5 feet from the street and the townhouses would be allowed to be within 25 feet and wouldn't be compatible; there are no curbs and gutters and that is important when considering the setback; the straight zoning stays with the land and not the owner and he could sell it to anyone and without any input from the neighbors.

TMAPC COMMENTS:

Mr. Ard asked Mr. Rose if it would make any difference if the applicant proposed a PUD. In response, Mr. Rose stated that it would have made a difference, but he doesn't know if the neighborhood would be in favor of it. The neighborhood has a strong concern that if townhouses were to be built on the subject site that they would have their say on the context of how they are built. If the townhouses were built as the neighbors prefer, the applicant wouldn't get a return on his investment.

Mr. Harmon stated that RS-2 doesn't require 51 feet for a setback, but that is what people elected to do when the existing homes were built. He explained that with the existing zoning, the applicant could build within 30 feet of the street. Using the existing 51-foot setback as a reason to deny this application is not reasonable to him because it is something people elected to do and not what the Code required. This standard shouldn't be imposed on someone else. In response, Mr. Hildebrant stated that he believes the neighbors should impose that standard because that is where the existing home is on the subject property and all of the homes conform.

Mr. Marshall asked Mr. Hildebrant if the 51-foot setback is in the restrictive covenants. In response, Mr. Hildebrant stated that he has never seen restrictive covenants and the subject area is not platted.

Mr. Marshall asked Mr. Hildebrant if he knew the height of his house. In response, Mr. Hildebrant stated that he measured it this morning and it measures 20 feet in height on the west side.

Applicant's Rebuttal:

Mr. Sack stated that currently the existing homes are set back substantially farther than the underlying zoning requires. Today the same houses could be replaced and moved substantially closer to the street. The subject property is zoned RS-2 and has a five-foot side yard setback and a two-story, 35-foot tall structure could be built five feet from the boundary line today without any approvals. RT zoning protects the neighbors more because it has to be platted, and it would require lots, and the only way to do so is to run the lots east and west with a rear yard setback of at least 20 feet. The 20-foot setback would be between the boundary line of Mr. Hildebrant's and the subject property rather than five feet if it were developed as RS-2. Mr. Sack explained that if the townhouses were facing to the east, there would still be 20 to 25 feet between Mr. Hildebrant's boundary line and the subject property's boundary line because there would have to be a driveway. Mr. Sack stated that his client isn't sure what the cost will be per square foot, but he intends to build a nice development.

James Fulton, 2421 East 56th Place, 74105, stated there have been some unfair statements made today. The property is located on the edge of the neighborhood and not in the middle as stated. He explained that he has an office use for a neighbor. Mr. Fulton stated that there is no traffic problem in the subject area and there is a traffic light at Lewis and 56th Place. He doesn't believe that the proposal would add to the flooding in the subject area.

Mr. Fulton stated that the neighbors have questioned his experience and ability to develop the subject property. He indicated that he has experience and he wouldn't be doing all of the developing himself, but would have professionals. The zoning is a start and he wouldn't build something that would deter from anything because he wants to be valuable. Mr. Fulton commented that he would

be living in one of the townhouses. He stated that this is not all about profit as stated by the neighbors. If they did not want a metal roof then he can shingle the roof, which would be more cost effective. He is not opposed to changing the structure in any way, so that it isn't offensive to the neighborhood. Mr. Fulton explained that at the meeting he couldn't get anything established on what the neighborhood would prefer with regard to fencing, driveways, orientation of buildings, etc.

Mr. Fulton stated that the facts are that he does plan to live on the subject property when it is completed and then he may decide to move or he may not, but that is his right. He commented that nobody in their right mind would want to develop land and not make a profit. He pointed out that the additional lots would bring in revenue to fix streets and possibly put in curbs and guttering. The office building to the west would have less trouble with drainage because the tree leaves will not be clogging his drains. People want new homes in mid-town and not one that is 50 or 60 years old. He explained that he plans to build affordable housing geared toward older residents who do not want large lots and want to live in town where all of the conveniences are located.

TMAPC COMMENTS:

Ms. Cantrell stated that she understands that these zoning cases can get very contentious, but the Planning Commission only deals with whether this is a good zoning for the subject property.

Mr. Marshall stated that RS-2 is all around the subject property. He commented that if the property directly across the street from the subject property were zoned something other than RS-2, then he might reconsider this case, but he can't support the RT today. He believes that the neighborhood would be negatively impacted by rezoning to RT.

Ms. Cantrell stated that she agrees with Mr. Marshall. She indicated that she drove through the subject area and it is clearly a stable neighborhood. There hasn't been any significant rezoning in the subject area for a decade. There are RT and RD zoning nearby, but they are isolated from the subject neighborhood. She disagrees with the staff's position that this is appropriate as a buffer because she believes that office light is a buffer and she doesn't see any need for an additional buffer. She doesn't see any justification for changing the zoning on the subject property.

Mr. Harmon stated that he can support the RT zoning. It is next to an OL zoning and only 75 feet away from another RT zoning. He honestly believes that Mr. Sack is right that an RT would give the neighbors more protection regarding setback requirements. It would put extra families in the neighborhood, but he doesn't see that as a bad thing. Infill is about attracting more people to the neighborhood. RT would be a continuation of the buffer from the noise on Lewis.

TMAPC Action; 6 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **5-3-0** (Ard, Cantrell, Marshall, Midget, Sparks "aye"; Carnes, Harmon, Shivel "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to recommend **DENIAL** of the RT zoning for Z-7071.

* * * * *

Application No.: Z-7068/PUD-743

RS-4 TO OL/PUD

Applicant: David Riggs/TDA

(PD-2) (CD-1)

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

Mr. Carnes out at 2:55 p.m.

STAFF RECOMMENDATION FOR Z-7068:

Z-7057 June 2007: All concurred in denial of a request for rezoning a .87± acre tract of land from RS-4 to OM on property located northeast corner of North Cincinnati Avenue and East Queen Street and the subject property.

Z-6856 June 2002: A request for rezoning a .915± acre tract of land from RS-4 to OM for a funeral home was withdrawn by the applicant on property located northeast corner of North Cincinnati Avenue and East Queen Street and the subject property.

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. This area was formerly a "blanket-zoned" area and TMAPC staff worked with the neighborhood to rezone it to reflect its largely-single-family residential use.

Z-6428 January 1994: All concurred in approval of a "blanket rezoning" on lots lying between North Cincinnati Avenue and the Missouri-Pacific Railroad right-of-way; from East Ute Place on the north to East Pine Place on the south, from RM-1 to RS-4. The subject property was included in this action.

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 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 Pointe 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. It should be further noted that in requesting OL underlying zoning, the applicant is restricted to a single story in height. Several of the nearby and adjacent homes have two stories or steeply pitched roofs.

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 OL/PUD zoning **may be found** in accord with the Plan due to the site’s location within a Special District.

STAFF RECOMMENDATION:

Staff can support the requested OL zoning based on the Comprehensive Plan and redevelopment trends in the area, and therefore recommends **APPROVAL** of OL zoning for Z-7068.

STAFF RECOMMENDATION FOR PUD-743:

PUD-734 is proposed as a two story dental clinic at the northeast corner of North Cincinnati Avenue and East Queen Street. The application was originally submitted for OM zoning; however, TMAPC recommended that the request be resubmitted for OL zoning with an accompanying PUD.

The site comprises 37,800 square feet. The proposed building would comprise 11,076 square feet, with 8,096 square feet on the first floor and 2,971 square feet on the second floor. The first floor is to be a dental clinic with offices on the second floor. Parking is proposed adjacent to Cincinnati Avenue with landscaped areas and the clinic abutting the east boundary.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-743 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-743 subject to the following conditions:

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

NET LAND AREA: 38,800 SF

MAXIMUM NUMBER OF LOTS: One

MINIMUM FRONTAGE:
North Cincinnati 140 FT

PERMITTED USES:
As permitted by right in OL District.

BUILDING SETBACKS:
From right-of-way of N. Cincinnati 50 FT
From north boundary 30 FT
From east boundary 15 FT
From right-of-way of East Queen 25 FT

MAXIMUM BUILDING HEIGHT: 2 story/35 FT

FLOOR AREA RATIO: 30%

PARKING:
As required per the applicable use unit of the zoning code.

MINIMUM LANDSCAPED AREA: 15% of net lot area

SCREENING AND BUFFERING:
A screening fence of not less than eight feet in height with masonry supports and minimum 15-foot landscaped strip with trees shall be provided along the east boundary. A screening fence of not less than six feet in height and minimum five-foot landscaped strip shall be provided along the north boundary. Screening fences shall not be permitted to

extend beyond the building setback unless reduced to a maximum height of four feet.

LIGHTING:

Exterior light standards shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of 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.

SIGNAGE:

One monument style ground sign not to exceed 32 square feet of display surface area and eight feet in height, ~~OR~~ one wall sign not to exceed 32 square feet shall be permitted per the OL standards.

VEHICULAR AND PEDESTRIAN ACCESS AND CIRCULATION:

One vehicular access to North Cincinnati in accord with Traffic Engineering shall be permitted. No vehicular access to East Queen Street shall be permitted. Sidewalks shall be provided and/ or maintained along East Queen Street and North Cincinnati Avenue. Pedestrian access from East Queen Street or North Cincinnati Avenue shall be provided to the entrance of the building. Such access may be provided as sidewalks and/or striping or other demarcation.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed or will be installed within a specified 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. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. No building permit shall be issued until the requirements of Section 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. 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.
10. 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.

Comments from 7/19/07 TAC:

General: No comments.

Water: If the fire hydrant coverage of the building is not meet then a fire hydrant may need to be installed or a looped waterline extension in a 20' restrictive waterline easement.

Fire: No comments.

Stormwater: Drainage was not addressed anywhere in this PUD. It must be addressed.

Wastewater: The existing sanitary sewer line under the proposed parking lot must be inspected by Underground Collections to determine whether or not it will hold up to the increase pressure from development. The line will probably need to be replaced with a Ductile Iron Pipe, which will be done at the Developer's expense. Also, along the North property line, where you show a proposed privacy fence over the existing sanitary sewer line, you will not be allowed to build with Stone or Masonry columns, or wall, over the existing sanitary line.

Transportation: Cincinnati is a secondary arterial; a 30-ft radius intersection right-of-way dedication should be made to conform to the Major Street and Highway Plan. Sidewalks will be required on street frontages where not already existing. Driveway must meet City of Tulsa standards for commercial driveway construction.

Traffic: Dedicate R/W for a 30 ft Int. Radius. Access and LNA to be shown along the arterial on the plat. Recommend restricting Access along Queen St per the PUD site plan thereby eliminating any need for a closure of the existing street.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: Cincinnati is a designated secondary arterial. Sidewalks should be constructed per subdivision regulations.

LRTP: N. Cincinnati Ave, between Pine Street and Apache, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: Cincinnati is part of a planned bikeway

Transit: Currently, Tulsa Transit operates existing routes on N. Cincinnati Ave, between Pine Street and Apache. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

TMAPC COMMENTS:

Ms. Cantrell stated that one of the concerns of the neighborhood was that this may be a funeral home and she asked if that would be a possible use in OL. In response, Ms. Tomlinson stated that funeral homes would be allowed in OL and pointed out that the uses that would be allowed in OL are in the agenda packets. Ms. Tomlinson read the list of permitted uses in OL. Ms. Cantrell stated that perhaps funeral home use should be excluded. Ms. Tomlinson stated that the Planning Commission has that authority.

Applicant's Comments:

John Moody, 5610 East 76th Street, 74136, stated that this application was previously denied because the applicant didn't file a PUD. He further stated that he met with the neighborhood association and they asked him to leave before they made their final decision and no one has contacted him. Most of the neighbors stated that after they understood, they agree that this is probably the best transition for them. He explained to the neighbors that by submitting the PUD it would prohibit access onto Queen Street. No one would really want to go to the clinic using the interior streets unless they actually lived in that particular area. If Queen Street were closed, then people would use Reading or Elgin and wouldn't solve the problem of people coming into the neighborhood who didn't belong there. Mr. Moody informed the neighbors that by developing the subject vacant lot, it may reduce some of the problems.

Mr. Moody stated that he agrees with the staff recommendation except for the standard relating to the signs. He would prefer that his client be allowed to use the OL Zoning Code as it allows signage and not be prohibited from having some wall signs. The Planning Commission could make it a condition that they see the sign plan and approve the signage at that time.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Moody if he would be satisfied with the approval subject to the signage being approved during sign plan approval.

Mr. Alberty stated that if the motion is stated per staff recommendation, then Mr. Moody would have to file a minor amendment to request both a monument sign and a wall sign. Staff would be agreeable to changing this to subject to returning with a detail sign plan. The signage should be consistent with the signage permitted within an OL district. Mr. Alberty commented that perhaps staff was too restrictive on this.

Mr. Ard asked Mr. Moody what signage would be allowed in the OL district. In response, Mr. Moody stated that the maximum on a monument sign is 32 SF of display surface area and the wall signage is calculated by lineal footage. Ms. Tomlinson read the OL district provisions for signage. In response, Mr. Ard stated that the Planning Commission could restrict the signage to a particular street frontage. In response, Ms. Tomlinson answered affirmatively.

Mr. Midget stated that if the intent is for the customers to not use Queen Street, then it is not necessary to have a sign on Queen Street. If the applicant is going to use that allowable space for that side for his total signage, then it would be massive in the front.

Mr. Moody stated that on the site plan it does identify only one monument sign and it is on the corner of Queen and Cincinnati. Per the site plan that is what he

agrees to and the only thing he is concerned about is whether his client would be allowed to have a wall sign. He agrees that there wouldn't be two monument signs (one on Queen and one on Cincinnati). He would like the staff recommendation to state one monument sign and be allowed to have the wall signs per the OL Zoning Code standards, which will be approved by the Planning Commission.

Ms. Cantrell asked Mr. Moody if he would have a problem if the Planning Commission excluded the funeral home use. In response, Mr. Moody stated that he wouldn't have a problem with excluding funeral homes, drive-in banking facilities, massage parlors, etc. This is a dental clinic and they will serve a good population niche that doesn't get served well.

Mr. Marshall asked Mr. Moody if he would mind if the Planning Commission would only permit the use for dental uses and if changes are necessary it would require coming back to the Planning Commission. In response, Mr. Moody answered that he would not mind.

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

In response to Mr. Marshall, Mr. Moody explained that the utility easement that runs through the middle of the property is no longer necessary.

Mr. Marshall stated that the underlying zoning requested is OL, which allows a single-story building, but then it is filed with a PUD that allows the applicant to build a two-story building. Mr. Marshall commented that this bothers him.

Mr. Moody stated that a PUD is specifically designed to grant flexibility to the Planning Commission and the City Council. The Planning Commission sets the standards for height and the adjacent residences and their zoning allows two-story with 35 feet height. In addition, the existing zoning is RS-4 (residential) that would permit two-story with a maximum of 35 feet in height. In reality the height is not being changed because it is already allowed. Mr. Moody stated that his client is actually improving it, because under the RS-4 district there would only be a five-foot side yard next to the existing house. The proposal will be setting back 15 feet and in addition he has agreed that there wouldn't be any windows facing the homes.

Mr. Marshall stated that what he is questioning is going from OL in one instance and then to OM in another instance on the same piece of property within five minutes of each other. In response, Mr. Moody stated that he is not requesting OM zoning. Mr. Marshall stated that it is going to OM if the two-story is allowed. In response, Mr. Moody stated that this is why one needs to look at and understand the PUD ordinance and its purposes and how it was originally in the intent of the City Council and planning. The PUD ordinance was designed specifically to allow flexibility from what are called "the old Euclidean zoning

districts”, which is what OL and RS-3 are. It was recognized that if one stuck to those districts then one couldn’t do things and couldn’t get the projects that they wanted. Over a period of time the PUD type ordinances were developed throughout the United States and are used in order to allow a Planning Commission or City to actually approve a specific plan; otherwise it would find one not being able to have developments that would be good because the zoning wouldn’t be flexible enough to allow it. There is a trade-off for requesting a PUD. When one asks for a PUD, he/she is going to get flexibility that is subject to conditions running with the land as covenants that the City can enforce and the key is that it has to be a voluntary application. When land is zoned it is by ordinance and it is not voluntary, but when PUD is requested that specific conditions can be imposed. In essence the PUD is a new zoning classification that is specific to the subject property and there is a supplemental ordinance published for the subject property. The PUD is designed to give room for innovative good projects and flexibility to people who want to improve land.

Mr. Marshall stated that he understands what Mr. Moody is stating regarding PUDs and he understands that he needs to be a little bit more knowledgeable on PUDs, but it still seems inconsistent and he believes that PUDs should slightly deviate from what the Zoning Code states. He further stated that it should be something reasonable and going from one story to a two story is not reasonable in his opinion. Mr. Marshall asked Mr. Moody why he didn’t stay with OM zoning. In response, Mr. Moody stated that OM would have allowed his client to build anything wanted without any restrictions like is being put in place with the PUD. Mr. Moody stated that with the PUD being in place it is not necessary to have the OM zoning because his client can accomplish the same thing with the lesser intense underlying zoning.

Mr. Midget stated that he is not agreeing with this proposal one way or the other, but what he believes what the Planning Commission and the applicant are trying to do is stay consistent with the existing housing in the subject area regarding the two-story level.

Mr. Marshall stated that he doesn’t have any trouble with having a dental office on the subject property and he believes it is a good use for the subject property. He just questions why we are doing all of this.

Mr. Midget stated that some of the flexibility or restrictions that are the nature of the PUD and perhaps it should be revisited.

Ms. Cantrell stated that she thinks she appreciates Mr. Marshall’s disagreement, but she believes this probably something where they would have to agree to disagree.

Mr. Marshall stated that this has come up before and he is trying to point out that he believes the Planning Commission is deviating too much and being too

lineate. He commented that he will probably vote for this proposal because he believes it is needed and is a good use for the subject property.

Mr. Midget stated that he appreciates this application coming back with a PUD, but he still will not be supporting the application for the following reasons: 1) he supports the original intent established in 1994 for the subject area to be houses. Most of the older housing stock in Tulsa is north of downtown and he strongly feels that whenever land is available where there is an opportunity to replace existing residential, then that is a better use particularly in an area that is being discussed today. 2) Morton Clinic is less than half a mile from the subject property and they also provide similar service to the clientele whom this development proposes to serve. 3) The neighborhood rejected a previous development five years ago that would have allowed a funeral home, which is also in the same Use Unit as the proposal. If the Planning Commission does decide to approve this application he would ask that the use be restricted to only dental services or at minimum remove the funeral home, loan offices, and massage parlors from the list of permitted uses under Use Unit 11. Mr. Midget concluded that at the meeting with the applicant the neighbors were split on their feelings about this proposal.

Ms. Cantrell stated that she appreciates those comments and she is willing to make the motion to approve the proposal with it limited to dental services and like uses. She is sorry to hear that the neighbors were split on their decision, but the Planning Commission did direct the applicant to go back and submit a PUD. When the neighbors were speaking before it seemed to her that they were in agreement with a dental office.

Mr. Ard stated that it concerns him that Mr. Midget is against this application, but it seems to him that this is a good use for the site. Certainly, if the Planning Commission restricted the use to dental only this would be a good use. Mr. Ard stated that he understands Mr. Marshall's concerns about PUDs and the way he likes to view them is that the Planning Commission allows them to have the second story, but what they give back is no windows on the east side and set back 15 feet from the property line rather than five feet. PUDs are a give-and-take situation and each PUD should be evaluated on its own to make sure that the give and take is fair or equal. Mr. Ard concluded that he believes that the proposal is a fair alternative and a reasonable adjustment to the underlying zoning.

Mr. Boulden cautioned the Planning Commission to make clear in their motion what type of dental use is allowed.

Mr. Marshall stated that it could be stated as use for a dental office, dental clinic, dental laboratories and related dental research facilities. In response, Mr. Moody stated that is exactly what his client will be doing.

Mr. Alberty informed the Planning Commission that they have the right to restrict the uses within the PUD and if this had been strictly zoned OL, then all of the uses under OL would be allowed and the Planning Commission wouldn't have the ability to restrict the uses.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **5-1-0** (Ard, Cantrell, Marshall, Shivel, Sparks "aye"; Midget "nays"; none "abstaining"; Cantees, Carnes, Harmon, McArtor, Miller "absent") to recommend **APPROVAL** of the OL zoning for **Z-7068** per staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **5-1-0** (Ard, Cantrell, Marshall, Shivel, Sparks "aye"; Midget no "nays"; none "abstaining"; Cantees, Carnes, Harmon, McArtor, Miller "absent") to recommend **APPROVAL** of **PUD-743** per staff recommendation, subject to the signage shall include one monument style ground sign and one wall sign as permitted by OL zoning and shall be approved by the Planning Commission during detail sign review, subject to the permitted uses be restricted to dental offices, dental clinics, dental laboratories and related dental research facilities, subject to the floor area being limited to .30 as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7068/PUD-743:

ALL OF LOTS 10, 11, 12 LESS THE WEST 15' FOR STREET AND LOTS 13, 14 AND 15, BLOCK 4, DICKASON GOODMAN 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 OL (Office Low Intensity District/Planned Unit Development [PUD-743])**.

Commissioners' Comments

Ms. Cantrell reported that the RFP for the Comprehensive Plan was submitted on July 30, 2007 and is on the website of www.Planitulsa.org. There is a lot of history about Tulsa and its planning. The website also has a list of all of the neighborhood plans, river plans, etc.

Mr. Alberty informed the Planning Commission that they can visit the Planitulsa website or staff could run copies for the Planning Commission.

There being no further business, the Chair declared the meeting adjourned at 3:26 p.m.

Date Approved:

7/5/07
[Signature]

Chairman

ATTEST:

[Signature] [Signature]
Secretary

